

2006 APR 28 AM 11:47

MANATEE COUNTY ZONING ORDINANCE
PDR-05-17(Z)(P) – HALL / RIVER'S SONG

CLEARING OF COURT
MANATEE CO. FLORIDA

2006 APR 24 AM 10:21
DEPARTMENT OF
TALLAHASSEE

FILED

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; PROVIDING FOR THE REZONING OF APPROXIMATELY 70.33 ACRES GENERALLY ON THE WEST SIDE OF MORGAN JOHNSON ROAD APPROXIMATELY ½ MILE SOUTH OF SR 64 AND 200 FEET NORTH OF 18TH AVENUE EAST AT 5101 & 5201 18TH AVENUE EAST IN BRADENTON FROM THE A-1/CH (SUBURBAN AGRICULTURE/COASTAL HIGH HAZARD OVERLAY DISTRICT) ZONING DISTRICT TO THE PDR/CH (PLANNED DEVELOPMENT RESIDENTIAL/COASTAL HIGH HAZARD OVERLAY DISTRICT) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN TO ALLOW 206 LOTS FOR SINGLE-FAMILY ATTACHED AND DETACHED RESIDENCES SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) EXCEEDING A GROSS DENSITY OF 2 DWELLING UNITS PER ACRE IN THE RES-3 FUTURE LAND USE CATEGORY; 2) EXCEEDING A NET DENSITY OF 3 DWELLING UNITS PER ACRE IN THE RES-3 FUTURE LAND USE CATEGORY; 3) WITHIN THE COASTAL EVACUATION AREA; 4) WITHIN THE COASTAL STORM VULNERABILITY AREA, AND 5) ADJACENT TO A PERENNIAL STREAM; GRANTING SPECIFIC APPROVAL FOR AN ALTERNATIVE TO THE DEFINITION OF "ALLEY" IN THE LAND DEVELOPMENT CODE; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Roger W. Hall (the "Applicant") has filed an application to rezone approximately 70.33 acres described in Exhibit "A", attached hereto, (the "Property") from the A-1/CH (Suburban Agriculture, Coastal High Hazard Overlay District) zoning district to the PDR/CH (Planned Development residential/Coastal High Hazard Overlay District) zoning district.

WHEREAS, the applicant also filed the following requests:

- A. Special Approval for a project: 1) exceeding a gross density of 2 dwelling units per acre in the RES-3 Future Land Use Category; 2) exceeding a net density of 3 dwelling units per acre in the RES-3 Future Land Use Category; 3) within the Coastal Evacuation Area; 4) within the Coastal Storm Vulnerability Area, and 5) adjacent to a perennial stream;
- B. Specific Approval for an alternative to the definition of "alley" in the Land Development Code.

WHEREAS, the Applicant also filed a Preliminary Site Plan application to for 206 lots for single-family attached and detached residences (the "Project") to be located upon the Property; and

WHEREAS, Planning Staff recommended approval of the rezone and Preliminary Site Plan, 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 March 9, 2006 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval 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 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 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, 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/CH (Suburban Agriculture/Coastal High Hazard Overlay District) zoning district to the PDR/CH (Planned Development Residential/Coastal High Hazard Overlay District) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on April 6, 2006 regarding the 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 the 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 an alternative to the definition of "alley" in the Land Development Code has been satisfied to an equivalent degree, and GRANTS Specific Approval for an alternative to the definition of "alley" in the Land Development Code.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby APPROVED to allow 206 lots for single-family attached and detached residences upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval and Specific Approval, with the following stipulations:

STIPULATIONS

1. The recreational facility shall provide a commercial grade tot lot, benches, shade trees, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan.
2. The proper abandonment of all unused wells shall be required per SWFWMD Rule 40D-3.531 of the Florida Administrative Code. Existing wells shall be kept in a water tight manner and be protected during all construction activities. Any wells discovered during land clearing shall be protected or abandoned in accordance with SWFWMD Chapter 40D of the Florida Administrative Code.
3. A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the EMD for review and approval prior to Final Site Plan approval.
4. Other than activities authorized by Section 719.11.1.2 of the LDC and approved by the Planning Department, wetland buffers shall remain in an unaltered state. Details for any proposed features within wetlands and associated buffers (e.g., boardwalk, wildlife observation or fishing platform, kayak launch, and pedestrian walkways) shall be depicted on the Final Site Plan and are subject to approval by the Planning Department. Such features shall be located within previously disturbed areas to avoid impacts to native habitats.
5. Other than a launch area for canoes or kayaks, railings and "No Mooring" and "Manatee Awareness" signs shall be installed on the proposed Wildlife Observation or Fishing Platform. Details shall be included in the Final Site Plan.
6. Prior to development related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department.
7. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.
8. 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.
9. An Exotic Plant Species Management Plan shall be approved prior to or concurrent with Final Site Plan or Construction Plan approval. The Management Plan shall provide for the continued, phased, removal of nuisance exotic plant species that become reestablished within upland common areas and upland open spaces for the life of the project. Initial removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the Final Plat approval. Exotic plant species removal from upland preserve areas shall be done in a manner which limits the impacts to desirable vegetation.
10. Underground or aboveground pollutant storage tank removal shall conform to the requirements of Chapter 62-761, Florida Administrative Code.

11. Tree barricades for trees to be preserved shall be located at the drip line unless otherwise approved. The "drip line" shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking, underground utilities, filling or excavation, and storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height. Alternative barricade methods may be approved with the Final Site Plan on a case by case basis.
12. The stormwater management system shall be designed to provide a reduction of up to 50% of the allowable pre-development flow from the 25-year 24-hour storm event discharge.
13. 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.
14. A separate plan sheet depicting signing and marking (speed limit, stop, and street name signs, etc.) shall be submitted prior to Final Site Plan or Construction Plan approval.
15. 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.
16. A Floodplain Management Permit shall be required for each structure determined to be within Zone AE. If any portion of the structure lies within the Zone AE, it shall be considered in the 100-year Floodplain.
17. The applicant shall construct a sidewalk as shown in Attachment 1, the sidewalk proposed to the South on the west side of Morgan Johnson Road should be located in the ultimate right-of-way provided such right-of-way is provided by the county.
18. The front yard setback will be 25' to the garage, 20' to the building for all lots with front yard driveway access.
19. The applicant shall provide evidence satisfactory to the County Attorney's office of its right to use the FP&L easement area as depicted on the Preliminary Site Plan.

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/CH (Suburban Agriculture /Coastal High Hazard Overlay District) zoning district to PDR/CH (Planned Development Residential/Coastal High Hazard Overlay District) 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 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 6th day of April, 2006.



BY: BOARD OF COUNTY
COMMISSIONERS
OF MANATEE COUNTY, FLORIDA


Chairman

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

BY: 
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

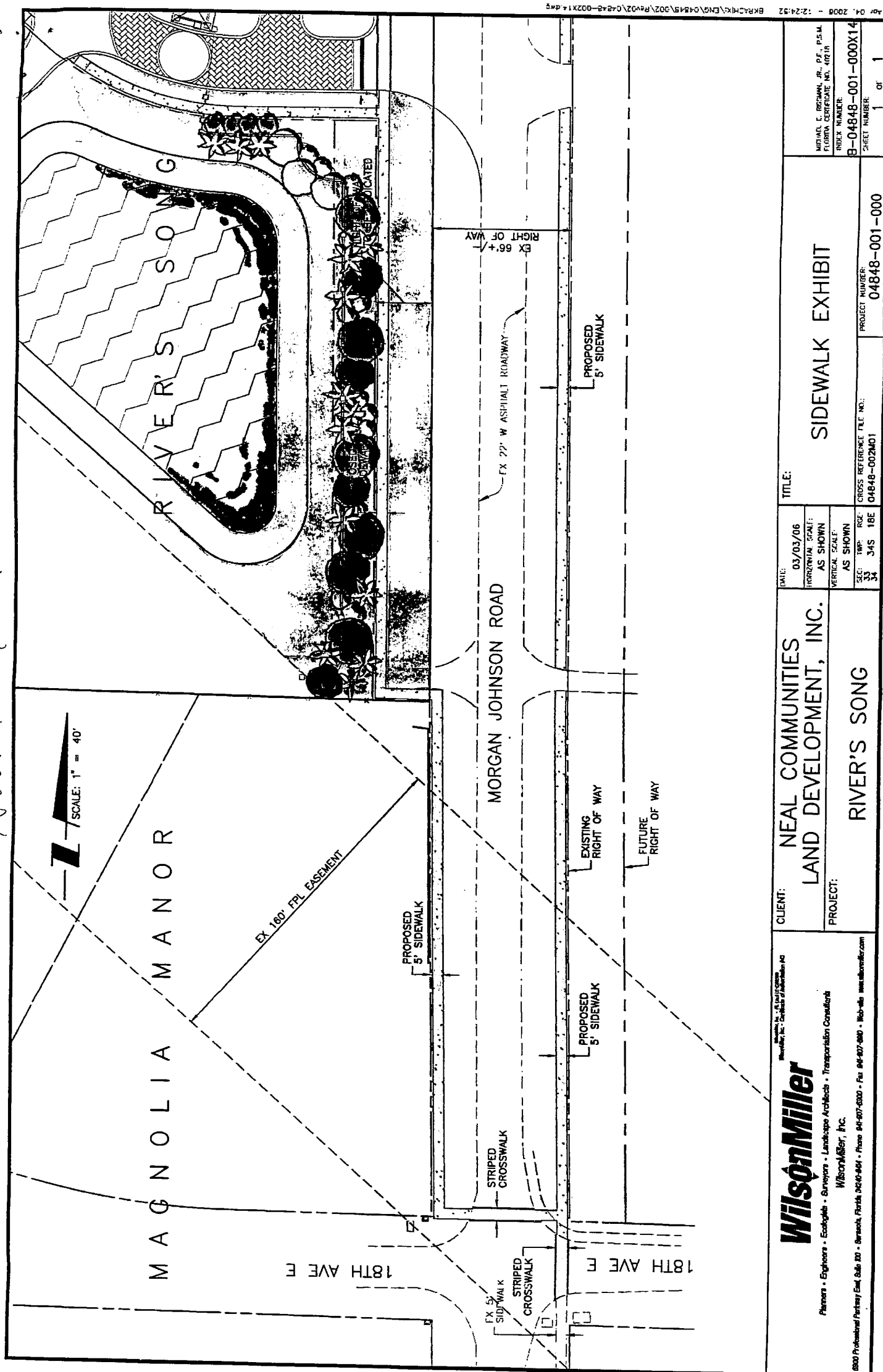
DESCRIPTION:

BEGIN AT THE NORTHEAST CORNER OF LOT 1 OF MAGNOLIA MANOR RIVER SECTION, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGE 30 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 89°16'26" W, ALONG THE NORTH LINE OF SAID SUBDIVISION AND THE SOUTH LINE OF THE SOUTH ½ OF THE N.W. ¼ OF SECTION 34, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, A DISTANCE OF 1980.94 FEET; THENCE N 04°32'36" W, A DISTANCE OF 634.07 FEET; THENCE N 89°37'02" W, A DISTANCE OF 547.56 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE BRADEN RIVER; THENCE NORTHERLY ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING TWENTY TWO (22) COURSES: (1) N 08°52'53" W, A DISTANCE OF 66.34 FEET; (2) N 02°15'20" W, A DISTANCE OF 26.11 FEET; (3) N 08°03'30" E, A DISTANCE OF 94.12 FEET; (4) N 23°04'26" E, A DISTANCE OF 29.16 FEET; (5) N 23°05'27" E, A DISTANCE OF 47.68 FEET; (6) N 13°42'51" W, A DISTANCE OF 37.80 FEET; (7) N 11°55'42" W, A DISTANCE OF 62.07 FEET; (8) N 39°04'09" E, A DISTANCE OF 23.89 FEET; (9) N 22°06'25" W, A DISTANCE OF 12.11 FEET; (10) N 75°08'19" W, A DISTANCE OF 59.21 FEET; (11) N 35°37'25" W, A DISTANCE OF 30.03 FEET; (12) N 73°23'12" W, A DISTANCE OF 23.07 FEET; (13) N 06°44'21" W, A DISTANCE OF 42.18 FEET; (14) N 44°17'19" W, A DISTANCE OF 18.43 FEET; (15) S 84°17'32" W, A DISTANCE OF 9.95 FEET; (16) S 39°00'15" W, A DISTANCE OF 35.28 FEET; (17) S 00°06'03" W, A DISTANCE OF 16.57 FEET; (18) S 30°53'20" E, A DISTANCE OF 37.53 FEET; (19) S 46°05'40" E, A DISTANCE OF 12.37 FEET; (20) S 22°23'23" W, A DISTANCE OF 12.13 FEET; (21) S 06°45'37" W, A DISTANCE OF 70.09 FEET; (22) S 69°14'26" W, A DISTANCE OF 16.61 FEET TO THE SOUTHEAST CORNER OF LOT 16 OF BRADEN RIVER LAKES PHASE IV, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 27, PAGE 65 OF SAID PUBLIC RECORDS; THENCE N 00°06'03" E, ALONG THE EAST LINE OF SAID SUBDIVISION AND THE WEST LINE OF SAID SOUTH ½ OF THE N. W. ¼, A DISTANCE OF 417.51 FEET; THENCE S 89°36'56" E, A DISTANCE OF 2521.84 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST 210.00 FEET OF SAID SOUTH ½ OF THE N.W. ¼; THENCE S 00°13'14" E, ALONG SAID WEST LINE, A DISTANCE OF 713.51 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH 659.00 FEET OF SAID SOUTH ½ OF THE N.W. ¼; THENCE S 89°50'28" E, ALONG SAID NORTH LINE, A DISTANCE OF 177.00 FEET TO AN INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF MORGAN JOHNSON ROAD; THENCE S 00°13'14" E, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 659.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 34, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 70.33 ACRES, MORE OR LESS.

ATTACHED



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 April day of 2006.
R.B. SHORE
Clerk of Circuit Court
By: Diane E. Vollmer, D.C.

Wilson Miller Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants Wilson Miller, Inc. 6800 Professional Parkway East, Suite 200 • Sarasota, Florida 34240-6464 • Phone 941-907-6800 • Fax 941-907-6800 • Web site www.wilsonmiller.com		CLIENT: NEAL COMMUNITIES LAND DEVELOPMENT, INC.		DATE: 03/03/06	TITLE: SIDEWALK EXHIBIT		NOTARIAL PUBLIC, JR., P.E., P.S.M. FLORIDA CERTIFICATE NO. 40710	
PROJECT: RIVER'S SONG		HORIZONTAL SCALE: AS SHOWN		VERTICAL SCALE: AS SHOWN		INDEX NUMBER: B-04848-001-000X14		
		SEC. 34		TWP. 34S		RGE. 18E		
		CROSS REFERENCE FILE NO.: 04848-002M01		PROJECT NUMBER: 04848-001-000		SHEET NUMBER: 1 of 1		



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED FOR RECORD
R. B. SHORE

2006 APR 28 AM 11:47

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

April 24, 2006

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

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 20, 2006 and certified copy of Manatee County Ordinance No. PDR-05-17(Z)(P), which was filed in this office on April 24, 2006.

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

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosures