

FILED FOR RECORD  
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE

2006 APR 21 PDR 05466(Z)(P) - FLETCHER / LAURIS AT THE VILLAGES OF AVIGNON (FKA: KINGSTON)

CLERK OF COURT  
MANATEE COUNTY, 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; PROVIDING FOR THE REZONING OF APPROXIMATELY 14.26 ACRES GENERALLY AT THE SOUTHWEST CORNER OF 28<sup>TH</sup> STREET COURT EAST AND 24<sup>TH</sup> AVENUE EAST (OAKHURST RD), PALMETTO 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 FOR 82 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCES SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; 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, AND 3) AN AFFORDABLE HOUSING BONUS FOR 5.75 DWELLING UNITS PER ACRE IN THE RES-3 FUTURE LAND USE CATEGORY; GRANTING SPECIFIC APPROVAL FOR ALTERNATIVES TO SECTIONS 702.6.7 AND 907.9.1.3 OF THE LAND DEVELOPMENT CODE; SETTING FORTH FINDINGS; PROVIDING FOR LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Joseph and Dorothy Fletcher (the "Applicant") filed an application to rezone approximately 14.26 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 also filed a Preliminary Site Plan application for 82 lots for single-family attached residences (the "Project") to be located upon the Property; and

**WHEREAS**, the Applicant also filed three requests for Special Approval to allow a Project: 1) exceeding a gross density of 2 dwelling units per acre; 2) exceeding a net density of 3 dwelling units per acre, and 3) an affordable housing bonus for 5.75 dwelling units per acre in the RES-3 Future Land Use Category; and

**WHEREAS**, the Applicant also requested Specific Approval for alternatives to Sections 702.6.7 and 907.9.1.3 of the Land Development Code; and

**WHEREAS**, Planning staff recommended approval of the Rezone and Preliminary Site Plan applications, 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, Specific Approval, and Special Approval applications, received the Staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

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**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 staff report and the granting of Special Approval for a Project: 1) exceeding a gross density of 2 dwelling units per acre; 2) exceeding a net density of 3 dwelling units per acre, and 3) an affordable housing bonus for 5.75 dwelling units per acre in the RES-3 Future Land Use Category, and granting Specific Approval for alternatives to Sections 702.6.7 and 907.9.1.3 of the Land Development Code.

**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 (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 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 Sections 702.6.7 and 907.9.1.3 of the Land Development Code has been satisfied to an equivalent degree.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby approved to allow 82 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 dwelling units per acre; 2) exceeding a net density of 3 dwelling units per acre, and 3) an affordable housing bonus for 5.75 dwelling units per acre in the RES-3 Future Land Use Category, and GRANTS Specific Approval for alternatives to Sections 702.6.7 which requires a setback that is 35-feet greater than any required or approved setback and 907.9.1.3 which requires inter-neighborhood ties, with the following Stipulations:

STIPULATIONS

1. Approval of this Preliminary Site Plan is contingent upon the subsequent adoption of a Land Use Restriction Agreement by the Board of County Commissioners. If the Board does not adopt the Land Use Restriction Agreement prior to Final Site Plan submittal, then the Preliminary Site Plan shall go back through the public hearing process before the Planning Commission and Board of County Commissioners. A minimum of 25% (21 units) shall be retained as affordable housing, which shall be ensured through the execution of the Land Use Restriction Agreement.
2. The project shall be re-designed to include a pedestrian inter-neighborhood tie to the west. This shall be approved by the Planning and Transportation Departments with the Final Site Plan. Notices to Buyers shall be included in the Declaration of Covenants and Restrictions, in a separate addendum to the Sales Contract, and on the Final Site Plan, informing prospective homeowners in the project of the inter-neighborhood tie location. Additionally, a sign shall be placed at the location of the inter-neighborhood tie which reads, "future pedestrian connection" prior to Final Plat approval.
3. An enhanced roadway buffer containing 3 canopy trees, 3 understory trees, and 33 shrubs per 100 linear feet shall be installed along the north property boundary adjacent to 28<sup>th</sup> Street Court East. Clusters of 3 palm trees may be substituted for each understory tree, at the developer's option, and shall be approved with the Final Site Plan.
4. The single-family attached residences shall be built either in substantial conformance with the building elevations entered into the record for this project or a superior design, as approved by the Planning Department.
5. The Final Site Plan shall include the following traffic calming elements for Roads A and B: The intersection of the entranceway at Road A shall be a 3-way stop with appropriate signage and street markings. A crossroad of scored and accented concrete shall be installed across Road B at the central open space.
6. Any fill within the 25-year floodplain of the Big Chimney Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. Twenty-five year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
7. The existing 25-year flood elevation along the Big Chimney Drain shall be utilized as tailwater condition.
8. All lots shall be outside of the post-development 25-year floodplain.
9. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Big Chimney Drain within the project boundaries. In addition, a Drainage-Maintenance Access Easement shall be provided along Big Chimney Drain. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

10. Existing storage volume in existing wetlands and drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention pond.
11. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
12. 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 runoff.
13. This project shall be required to reduce the calculated pre-development flow rate up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Big Chimney Drain. Modeling shall be used to determine pre- and post- development flows.
14. A Water Well Construction Permit must be obtained from the Environmental Management Department prior to construction of the proposed well(s).
15. Prior to Final Site Plan approval, the applicant shall provide a Well Management Plan in accordance with Section 738.2.3 of the LDC.
16. The applicant shall provide an Environmental Resource Permit to the Planning Department, which has been approved by the SWFWMD, prior to Final Site Plan approval.
17. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
18. If the burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.
19. The wetland buffer for the off-site wetland southwest of the project shall be a minimum of 30' wide, and the boundary of the buffer shall be marked with one sign indicating that this is a wetland protection area. This sign shall be approved by the Planning Department with the Final Site Plan.
20. The Final Site Plan shall show commercial grade play equipment for the playground and 5 canopy trees near the playground. Existing canopy trees can be used to meet this requirement. This shall be approved by the Planning Department with the Final Site Plan(s).
21. The developer is put on notice that the County and School Board are required to establish school concurrency. Until such time as the details of that program are adopted, this approval does not guarantee capacity under the terms of the future program, to the extent school concurrency is legally applicable to the project.

22. The developer shall be responsible for extending a sidewalk from the project's east boundary to 16<sup>th</sup> Avenue East (Canal Road) along the south side of 28<sup>th</sup> Street Court East. This shall be approved by the Planning Department with the Final Site Plan.
23. Landscaping materials proposed to be relocated shall be accomplished prior to Final Plat approval. Should any of this landscaping die, it shall be removed and replaced pursuant to the requirements of Sections 714 and 715 of the Land Development Code.
24. Any additional recreational amenities proposed for the project shall be approved by the Planning Department with the Final Site Plan.
25. The Transportation Department shall approve the design methods and paving requirements for 28<sup>th</sup> Street Court East from the entrance of subdivision to the next connecting paved road.

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, 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 6<sup>th</sup> day of April, 2006.

BY: BOARD OF COUNTY  
COMMISSIONERS  
MANATEE COUNTY, FLORIDA

BY:   
Chairman

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

BY:   
Deputy Clerk



EXHIBIT "A"  
LEGAL DESCRIPTION OF THE PROPERTY

BEG AT THE SE COR OF THE NW1/4 OF SEC 7, TWN 34S, RNG 18E; TH N 00 DEG 01 MIN 15 SEC W ALONG THE E LN OF SD NE1/4, A DIST OF 1224.32 FT TO THE PT OF INTERSECTION FO SD E LN AND THE S RW LN OF 28<sup>TH</sup> ST CT E; TH N 89 DEG 25 MIN 27 SEC W ALONG SD S RW, A DIST OF 1104.32 FT; TH S 00 DEG 40 MIN 08 SEC W ALONG A LN LYING 1500 FT E OF THE W LN OF SD NW1/4, A DIST OF 560.08 FT TO A PT ON THE N LN OF THE S1/2 OF THE SE1/4 OF SD NW1/4; TH 2 89 DEG 25 MIN 27 SEC E ALONG SD N LN, A DIST OF 188.07 ST; TH S 00 DEG 01 MIN 15 SEC E 662.39 FT TO A PT ON THE S LN OF SD NW1/4; TH S 90 DEG 21 MIN 21 SEC 3 ALONG SD S LN, A DIST OF 923.00 FT TO THE POB (1753/1719), LESS OR 1802/6661 DESC AS FOLLOWS: BEG AT SE COR OF NW1/4 OF SEC 7, TWN 34S, RNG 18E; TH N 00 DEG 01 MIN 15 SEC W, ALG E LN OF SD NW1/4, A DIST OF 663.49 FT; TH N 89 DEG 25 MIN 27 SEC W, PARALLEL TO AFOREMENTIONED N LN OF SE1/4 OF SD NW1/4 AND 580.80 FT THEREFROM, A DIST OF 923.0 FT TO A PT ON S LN OF SD NW1/4; TH S 89 DEG 21 MIN 21 SEC E, ALG SD S LN, A DIST OF 923.0 FT TO POB PI#7751.0005/9



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 12<sup>th</sup> day of

April, 2006.

R.B. SHORE  
Clerk of Circuit Court

By: Deane E. Vollmer c.g.

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CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

**Sue M. Cobb**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

April 19, 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 13, 2006 and certified copy of Manatee County Ordinance No. PDR-05-66(Z)(P), which was filed in this office on April 17, 2006.

As requested, the date stamped copy is 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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