

FILED FOR RECORD
R. B. SHORE

**MANATEE COUNTY ZONING ORDINANCE
PDR-06-08(Z)(P) – MANNING / MANNING SUBDIVISION**

2007 OCT 22 AM 8: 34

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 56.09 ACRES ON THE SOUTH SIDE OF S.R. 62 AT THE INTERSECTION OF S.R. 62 AND KEENROAD AT 15471 S.R. 62, PARRISH FROM A/NCO ZONING DISTRICT (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY DISTRICT) TO PDR /NCO ZONING DISTRICT (PLANNED DEVELOPMENT RESIDENTIAL, RETAINING THE NORTH CENTRAL OVERLAY DISTRICT); APPROVING A PRELIMINARY SITE PLAN FOR 87 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

2007 OCT - 8 PM 2:23
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STATE
CLERK
FLORIDA

WHEREAS, Riverwood, LLC (the "Applicant") has filed a rezone application to rezone approximately 56.09 acres described in Exhibit "A", attached hereto, (the "Property") from A/NCO zoning district (General Agriculture/North Central Overlay District) to PDR/NCO zoning district (Planned Development Residential, retaining the North Central Overlay District) zoning district; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application for 87 lots for single-family detached residences; and

WHEREAS, the Applicant has also filed a request for Special Approval for a project: 1) exceeding a gross density of 1.0 dwelling units per acre in the UF-3 Future Land Use Category, and 2) exceeding a net density of 3.0 dwelling units per acre in the UF-3 Future Land Use Category; and

WHEREAS, the Applicant has also filed a request for Specific Approval for an alternative to Section 907.9.1.3 of the Land Development Code; and

WHEREAS, Planning staff 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 July 12, 2007, August 9, 2007, and September 13, 2007 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 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, the granting of the Special Approval for a project: 1) exceeding a gross density of 1.0 dwelling units per acre in UF-3 Future Land Use Category, and 2) exceeding a net density of 3.0 dwelling units per acre in the UF-3 Future Land Use Category; and granting Specific Approval for an alternative to Section 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 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 A/NCO zoning district (General Agriculture/North Central Overlay District) to PDR/NCO zoning district (Planned Development Residential, retaining the North Central Overlay District) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on August 2, 2007, September 6, 2007, and September 27, 2007 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 hereby finds that the project 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 907.9.1.3, the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulations to an equivalent degree.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby approved for 87 lots for single-family detached residences upon the Property subject to the Stipulations set out below:

STIPULATIONS

1. Design

- a. Lot dimension minimum: width 80 feet, area 10,400 square feet.
- b. All lots adjacent to active agricultural operations at time of final platting shall require an additional setback or buffer pursuant to LDC 702.6.7. If an adjoining agricultural operation no longer exists at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply. Such operations include equestrian pasture and facilities, e.g., stables and paddocks, with or without the presence of horses.
- c. Prior to FSP approval, the applicant shall provide a noise mitigation analysis to mitigate noise from thoroughfare roads. Such analysis shall demonstrate noise mitigation based on projected 2025 traffic volumes. The noise mitigation measure shall be installed as required by the approved plan.

No residential dwelling units shall be allowed in areas where the exterior noise level has:

Ldn > (greater than) 65 dBA;
Leq design hour > 65 dBA; or
L10 design hour > 68 dBA;

Unless protected by some measure to achieve:

Ldn not > 65 dBA;
Leq design hour not > 65 dBA; or
L10 design hour not > 68 dBA

If warranted by the noise analysis sound attenuating barriers shall be provided between the residential units and the noise source.

If warranted by the noise analysis living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.

If warranted by the noise analysis buildings shall be positioned to maximize the distance between the residential units and the noise source.

For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

- d. Front yard setbacks: 25 feet to front-loading garages, 20 feet to side-loading garages and 20 feet to house (not including any front-loading garage portion).
- e. Interneighborhood pedestrian tie: If the land adjacent to the planned access remains as cattle pasture at the time of subdivision improvements' construction and submittal of the Final Plat, then access shall not include pavement and the

easement shall include shrubs planted in the perimeter buffer to discourage human contact with cattle on the adjacent land. The pedestrian access easement shall remain available for future path paving if the adjacent land develops a corresponding access for an interneighborhood tie.

- f. Homes on lots 34-43 shall be limited to one story.
- g. A six (6) foot high PVC fence shall be located in the greenbelt buffer behind lots 34-43. In addition, subject to the western property owner's consent, Applicant shall construct a "no climb" horse fence (similar to the existing fence on the property boundary) off-site behind lots 34-43, four (4) feet inside the western property owner's boundary.

2. Stormwater

- a. Final engineering drainage design must be approved prior to Final Site Plan approval, including the following:
 - i. Any fill within the 100-year floodplains of the Gamble Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
 - ii. There shall be a full 25-year attenuation on all stormwater ponds within the development.
 - iii. The existing 25-year flood elevation along the Gamble Creek shall be utilized as tailwater condition.
- b. All residential lots shall be located outside of the post-development 25-year floodplain.
- c. 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 Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
- d. Existing storage volume in existing wetlands and drainage ditches to be permanently impacted shall be compensated with equal or greater volume in the proposed stormwater retention pond.
- e. 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.

- f. 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.
- g. The developer shall provide an easement to Manatee County to accept stormwater for any future SR 62 road realignment and right-of-way to accommodate roadway expansion along with a right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County.

3. Environmental

- a. A Water Well Construction Permit must be obtained from the EMD prior to construction of any proposed well(s).
- b. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
- c. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.
- d. 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, 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.
- e. Underground or aboveground pollutant storage tank installation/removal must conform to the requirements of Chapters 62-761, Florida Administrative Code.
- f. If 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.

4. Engineering

- a. All roads within the 100-year floodplain must be above the flood elevation set by the FEMA flood zone maps.
- b. All waste water manhole rims, service clean-outs and lift station wet well and valve vault covers shall be set 12 inches above the 25-year flood plain elevation or 4 inches above the 100-year floodplain elevation, whichever is higher.
- c. Perimeter swales or yard drains along the property lines shall convey incoming offsite runoff.

5. Transportation Concurrency

Prior to approval of a final site plan, or if no final site plan is required, construction plans, the Applicant shall satisfy transportation concurrency requirements by complying with any one of the following agreed upon options:

(1) The capacity related transportation improvements (the "Transportation Improvements") required pursuant to an approved traffic study for this project shall be constructed, bonded, or funded in accordance with Manatee County requirements; or

(2) Subject to the discretion of the County to schedule and fund one or more of the Transportation Improvements in the County's C.I.E., the Applicant and the County may enter into a binding proportionate fair-share mitigation agreement ("PFSMA") pursuant to section 511 of the LDC and section 163.3180, Florida Statutes, and/or a binding local government development agreement ("LDA") pursuant to chapter 10 of the LDC and section 163.3220, et seq., Florida Statutes, wherein the Applicant shall agree to pay the project's calculated proportionate fair-share amount for one or more of the Transportation Improvements, which will be deemed to significantly benefit the impacted transportation system and thereby satisfy the project's transportation concurrency requirement; or

(3) The Applicant may participate a broader solution to the transportation concurrency needs in the area, which will require agreed-upon mechanisms for the finance and construction of such improvements. Under this option, transportation concurrency shall be satisfied only when the County and the Applicant have, in the context of discussion with other developers in the area, determined the improvements necessary to support the impacts of the project, and the method of financing and constructing such improvements. Such required improvements, and the mechanisms for financing and constructing them, may be established pursuant to a LDA or other appropriate instrument, an amendment to this development order, amendments to the Land Development Code and/or Comprehensive Plan, and/or through the scheduling and funding of such improvements by the County in accordance with applicable law.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding a gross density of 1.0 dwelling units per acre in the UF-3 Future Land Use Category, and 2) exceeding a net density of 3.0 dwelling units per acre in the UF-3 Future Land Use Category; and adoption of the findings for Specific Approval and granting Specific Approval for an alternative to Section 907.9.1.3 of the Land Development Code.

Section 4. 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 A/NCO zoning district (General Agriculture/North Central Overlay District) to PDR/NCO zoning district (Planned Development Residential, retaining the North

Central 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 said Official Zoning Atlas.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. 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, sentence, 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 7. 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 27th day of September, 2007.

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

THAT PART OF THE NE 1/4 OF THE SE 1/4 LYING SOUTH OF STATE ROAD 62 AND
THESE 1/4 OF THE SE 1/4 OF SECTION 22, TOWNSHIP 33 SOUTH, RANGE 19 EAST,
MANATEE COUNTY, FLORIDA.

CONTAINING 56.11 ACRES, MORE OR LESS.



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 3rd day of
October 2007
R.B. SHORE
Clerk of Circuit Court
By G. Cordero D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

October 11, 2007

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

FILED FOR RECORD
R. B. SHORE

2007 OCT 22 AM 8:34

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: 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 October 3, 2007 and certified copies of Manatee County Ordinance Nos. 07-66, PDR-06-71(P), PDC-05-40(P)(R), PDMU-99-02(P), PDMU-97-05(P)(R3), Z-06-14, 07-30, Z-06-16, Z-07-01, Z-07-10, PDR-06-10(Z)(P), PDMU-06-80(G) and PDR-06-08(Z)(P) which were filed in this office on October 8, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

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://dls.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282