

FILED FOR RECORD
R. B. SHORE

**MANATEE COUNTY ZONING ORDINANCE
PDR-06-38(Z)(P) – MOCCASIN VILLAGE, LLC - MOCCASIN VILLAGE
(DTS #20060181)**

2008 DEC 23 AM 10:44

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING
LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS
(ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT
CODE); RELATING TO ZONING WITHIN THE UNINCORPORATED
AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 9.86
ACRES ON THE SOUTH SIDE OF MOCCASIN WALLOW ROAD
APPROXIMATELY 0.35 MILES EAST OF US 41 AND ¼ MILE WEST
OF ELLENTON-GILLETTE ROAD AT 3005 MOCCASIN WALLOW
ROAD, PALMETTO, FROM A-1 (SUBURBAN AGRICULTURE) TO THE
PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT;
APPROVE A PRELIMINARY SITE PLAN FOR 72 MULTI-FAMILY
UNITS IN 10 BUILDINGS WITH 39% OF THE UNITS DESIGNATED AS
AFFORDABLE HOUSING; SUBJECT TO STIPULATIONS AS
CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS;
PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR
SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

2008 DEC 15 PM 1:08

FILED

WHEREAS, Moccasin Village, LLC (the "Applicant") filed an application to rezone approximately 31.71 acres described in Exhibit "A", attached hereto, (the "property") from A-1 (Suburban Agriculture) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the Applicant also filed a Preliminary Site Plan application for 72 lots for multi-family units in 10 buildings with 39% of the units designated as affordable housing; and

WHEREAS, the Applicant also filed a request for Special Approval for: 1) exceeding a gross density of 6 d.u./acre in the RES-9 Future Land Use Category; 2) net density exceeding 9 d.u./acre in the RES-9 Future Land Use Category; and 3) partially within the Entranceway; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, and Special Approval 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 November 13, 2008 to consider the rezone, Preliminary Site Plan, and Special Approval applications, received the staff 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.

**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-1 (Suburban Agriculture) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held duly noticed public hearing on December 4, 2008 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. For the purposes of granting Special Approval for a project: 1) exceeding a gross density of 6 d.u./acre in the RES-9 Future Land Use Category; 2) net density exceeding 9 d.u./acre in the RES-9 Future Land Use Category; and 3) partially within the Entranceway, 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.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby approved for 72 multi-family units in 10 buildings with 39% of the units designated as affordable housing; upon the property subject to the Stipulations set out below:

A. DESIGN AND LAND USE CONDITIONS:

1. The project shall be redesigned with the final site plan submittal to provide 16' wide driveways to accommodate parking of two vehicles side by side for every unit within this project.
2. The building designs shall be in substantial compliance with the renderings entered into the record.
3. A 6' high opaque PVC fence shall be installed from the west edge of the 2.42 acre wetland buffer to the south edge of the .35 acre wetland buffer. Required buffer landscaping shall be planted on the exterior of this fence.

4. A minimum of 39 percent of the units shall be designated as affordable housing. The applicant shall enter into a Land Use Restriction Agreement prior to Final Site Plan approval for the affordable housing units.

B. TRANSPORTATION CONDITIONS:

1. At the time of Final Site Plan and Construction Plan approval, 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.

C. INFRASTRUCTURE CONDITIONS:

1. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
2. Rain sensors shall be installed on the irrigation system.

D. STORMWATER CONDITIONS:

1. The post-development flow shall be restricted to the pre-development flow to the basin the site discharges to.
2. There shall be a full 25-year attenuation on all stormwater ponds within the development.
3. 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 runoff.
4. Existing storage volume in existing wetlands and drainage ditches shall be compensated with equal or greater volume in the proposed stormwater retention pond.

E. BUFFERS:

1. Prior to Final Site Plan approval, the applicant shall provide a noise mitigation analysis to the staff for mitigation of noise from adjacent thoroughfare road. 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.

F. ENVIRONMENTAL CONDITIONS:

1. 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.

2. The developer shall provide an updated tree survey with the Final Site Plan. Trees that may be in close proximity to improvements that were not shown with the Preliminary Site Plan shall be preserved to the greatest extent possible through field adjustments to improvements at the Final Site Plan stage.
3. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
4. The project shall be designed so that no temporary wetland buffer impacts, other than those allowed by Section 719.11.1.2 of the LDC, are required in areas that contain native desirable vegetation. This shall be reviewed and approved by the Planning Department with Final Site Plan.
5. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County prior to or concurrent with Final Plat or Final Site Plan.
6. No lots shall be platted through post-development wetlands, wetland buffers, or upland preservation areas.
7. Existing native vegetation within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
8. All proposed mulch nature trails, boardwalks, and shade structures in wetland buffers and areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation and in accordance with LDC Section 719, if applicable.
9. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. 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; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.
10. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 508.3.34.7(j) of the LDC.

11. A Well Management Plan shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. The Well Management Plan shall include identification of which wells are to be retained or abandoned; the timing of abandonment; wellhead protection details for those wells to remain and a copy of all Water Use Permits, if applicable.

G. RECREATIONAL:

1. At a minimum, all recreation amenities shown on the site plan shall be constructed for this project prior to issuance of Certificate of Occupancy.

Section 3. SPECIAL APPROVAL. Special Approval is hereby granted for a project: 1) exceeding a gross density of 6 d.u./acre in the RES-9 Future Land Use Category; 2) net density exceeding 9 d.u./acre in the RES-9 Future Land Use Category; and 3) partially within the Entranceway.

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-1 (Suburban Agriculture) 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 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 4th day of December, 2008.

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

BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Russell Shore*
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION PARCEL 6

A PARCEL OF LAND IN SECTION 26 AND 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE S1°46'22"E, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 310.62 FEET TO A POINT ON THE NORTHERLY MONUMENTED RIGHT-OF-WAY LINE OF RUTLAND ROAD (MANATEE COUNTY ROAD NUMBER 675), SAID POINT BEING A POINT ON A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 3362.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 2°55'04", A DISTANCE OF 171.25 FEET (CHORD = 171.23 FEET; CHORD BEARING = S48° 12' 16"E); THENCE S40° 20'12"W, ALONG SAID MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 3387.75 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 4°49'50", A DISTANCE OF 285.62 FEET (CHORD = 285.53 FEET; CHORD BEARING = S52°04'43"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S54°29'38"E, ALONG SAID RIGHT-OF-WAY LINE, 59.28 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S54°29' 38"E, ALONG SAID RIGHT-OF-WAY LINE, 84.00 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 1451, PAGE 3365 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N35°30'56"E, ALONG THE WESTERLY LINE OF SAID PARCEL, 352.30 FEET; THENCE N0°35'57"W, ALONG SAID WESTERLY LINE, 275.99 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S76°02'55"E, ALONG THE NORTH LINE OF SAID PARCEL, 475.97 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE N35°30'51"E, 328.13 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 35; ALSO BEING THE SOUTH LINE OF SAID SECTION 26; THENCE N0°35'57"W, 1328.31 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SAID SECTION 26; THENCE S89°25'05"W, ALONG SAID NORTH LINE 738.10 FEET; THENCE S0°35'57"E, 1722.64 FEET; THENCE S35°30'56"W, 324.93 FEET TO THE SAID POINT OF BEGINNING. CONTAINING 26.71 ACRES, MORE OR LESS.

DESCRIPTION:

A PARCEL OF LAND IN SECTION 35, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE S01°39'51"E, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 311.01 FEET TO A POINT ON THE NORTHERLY MONUMENTED RIGHT-OF-WAY LINE OF RUTLAND ROAD, SAID

POINT BEING A POINT ON A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 3362.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 02°55'04" A DISTANCE OF 171.24 FEET (CHORD = 171.22 FEET; CHORD BEARING = S48°12'18"); THENCE S40°20'10"W, ALONG SAID MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 25.00 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 3387.75 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 04°49'50", A DISTANCE OF 285.62 FEET (CHORD = 285.53 FEET; CHORD BEARING = S52°04'45"E) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S54°24'47"E, ALONG SAID MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 143.28 FEET FOR A POINT OF BEGINNING, THENCE CONTINUE S54°24'47"E, ALONG SAID MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 280.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, GO N35°35'13"E, 750.15 FEET; THENCE N75°58'38"W, 475.97 FEET; THENCE S00°31'40"E, 275.96 FEET; THENCE S35°35'13"W, 352.28 FEET TO THE POINT OF BEGINNING. CONTAINING 5.00 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 10th day of December, 2008

R.B. SHORE
Clerk of Circuit Court

By: Wicki Leases D.C.



FILED FOR RECORD
R. B. SHORE

FLORIDA DEPARTMENT of STATE

2008 DEC 23 AM 10:43

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF CIRCUIT COURT
KURT S. BROWNING
Secretary of State

December 16, 2008

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

Attention: Ms. Vicki Tessmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 10, 2008 and certified copies of Manatee County Ordinance Nos. 08-07, 08-50, Z-84-76(R7), Z-84-76(R8), Z-08-09, PDMU-06-53(Z) (P), PDPI-06-46(Z) (G), PDR-04-18(Z) (P) and PDR-06-38(Z) (P), which were filed in this office on December 15, 2008.

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

COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
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LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

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850.245.6270 • FAX: 850.245.6282