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R. B. SHORE

2007 DEC 31 PM 12:02

MANATEE COUNTY ORDINANCE

**PDR-06-87(P)(R) - PROVIDENT NATIONAL PROPERTY GROUP/WOODBROOK
RESIDENTIAL**

CLERK OF THE COUNTY COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDR-06-87(P) PERTAINING TO APPROXIMATELY 78.50 ACRES ON THE EAST SIDE OF LOCKWOOD RIDGE ROAD AND THE SOUTH SIDE OF HONORE AVENUE, BRADENTON IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A REVISED PRELIMINARY SITE PLAN AND AMENDING AND RESTATING ZONING ORDINANCE PDR-06-87(P) APPROVED ON AUGUST 2, 2007, TO ALLOW AN OPTION TO CHANGE THE NUMBER AND MIX OF RESIDENTIAL UNIT TYPES FROM 196 LOTS FOR SINGLE-FAMILY ATTACHED UNITS TO 186 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; MODIFY THE BUILDING SETBACKS AND MINIMUM LOT WIDTH FOR SINGLE-FAMILY DETACHED UNITS; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Provident National Property Group (the "Applicant") requested an amendment to the Zoning Ordinance approved on August 2, 2007 pertaining to property on the east side of Lockwood Ridge Road and south side of Honore Avenue, Bradenton in the PDR (Planned Development Residential) zoning district, this property being more specifically described in Exhibit "A", attached hereto; and

WHEREAS, the revision allows an option to change the number and mix of residential unit types from 196 lots for single-family attached units to 186 lots for single-family detached residences; modify the building setbacks and minimum lot width for single-family detached units; and

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on December 18, 2007 after due notice, considered the criteria set forth in the Manatee County Land Development Code, and approved the amendment to the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY AS FOLLOWS:

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 an amended Zoning Ordinance, 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 had received and considered the report of the Manatee County Planning staff concerning the application for a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

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- B. The Board of County Commissioners held a duly noticed public hearing on December 18, 2007, regarding the amended Zoning Ordinance.
- C. Notwithstanding the failure of this plan to comply with the requirements of the LDC, the Board finds that the public purpose and intent are satisfied to an equivalent degree because the 16' and 22' wide alleys will be designated as one and two-way, respectively, to provide adequate access to rear garages and maneuverability for emergency vehicles.
- D. The Board hereby finds that the Project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. AMENDMENT OF JANUARY 2007 ZONING ORDINANCE APPROVAL:

The approval of the Preliminary Site Plan approved pursuant to Zoning Ordinance No. PDR-06-87(P) for the property described in Exhibit "A" is hereby amended and restated subject to the following stipulations:

STIPULATIONS

1. The recreational facility shall include 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 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.
3. 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.
4. 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.
5. Final engineering drainage design must be approved prior to Final Site Plan approval, including the following:
 - a. A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of the Rattlesnake Slough. Any existing or proposed structures within the floodway shall be modeled.
 - b. Any fill within the 25-year or 100 year floodplains of the Rattlesnake Slough shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall

be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation

- c. There shall be a full 25-year attenuation on all stormwater ponds within the development.
 - d. The existing 25-year flood elevation along the Rattlesnake Slough shall be utilized as tailwater condition.
6. All residential lots shall be located outside of the post-development 25-year floodplain.
 7. 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 Rattlesnake Slough, Modeling shall be used to determine pre-and post-development flows.
 8. Project shall be required to provide 150% water quality treatment for Rattlesnake Slough.
 9. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Rattlesnake Slough within the project boundaries. In addition, a Drainage Maintenance Access Easement shall be provided along Rattlesnake Slough. 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. A Drainage Tract shall also be acceptable.
 10. Existing storage volume in existing wetlands and drainage ditches that are proposed to be permanently impacted 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. The 20-foot wide roadway buffer along Honore Avenue and Lockwood Ridge Road shall be planted with two staggered rows of trees containing three canopy trees, understory trees, and 33 shrubs per 100 linear feet. All roadway buffer landscaping shall be installed prior to Final Plat approval or the first Certificate of Occupancy.
 14. This project shall provide a 20 foot wide landscaped buffer, exclusive of retention areas, along the western property line, adjacent to Lots 1- 23. Screening within the buffer shall consist of a 6' high solid decorative wall or hedge and one row of canopy trees (3 inch caliper, 12 ft. tall and 5 ft. spread) planted 30 feet on center.

15. If, prior to Final Site Plan approval for Lots 1- 23, the applicant submits to the County an easement agreement for a 20 foot wide cross access and buffer easement on the PDC zoned property to the west, the Planning Director may modify the screening requirement to allow a 20 foot buffer on this side and 20 feet on the adjoining commercial property, for a combined width of 40 feet. The form of the cross access and buffer easement agreement shall be submitted to the County Attorney's Office for approval as to form prior to recording in the Public Records of Manatee County. The cross access and buffer easement agreement shall address access, installation, location, and maintenance responsibility for the landscape buffer.

Prior to Final Plat approval for Lots 1- 23, the developer shall develop the 40 foot landscape buffer with a 5 foot high berm and an 8 foot high wall. As depicted on the Preliminary Site Plan, landscaping on the commercial side of the wall shall consist of at least 2.5 canopy trees, 3 understory trees, and 10 shrubs per 100 linear feet. Landscaping on the residential side shall consist of at least 3 canopy trees, 2 understory trees, and 85 shrubs per 100 linear feet.

Prior to Final Plat for Lots 1-23, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

The Homeowners Association for the residential project shall be responsible for the continued maintenance of the entire landscape buffer as detailed in the cross access and buffer easement agreement, including any portion of the landscape buffer easement on the adjacent commercial property.

16. There shall be no burning of trees or branches for land clearing.
17. A seven (7) foot Private Drainage Easement (6 feet + one foot along each side lot line) shall be dedicated between each single-family detached residence. The Drainage Easement shall be for the use of collection and conveyance of runoff from each residence.
18. Air conditioner units, heat pumps, pumps, or other accessory structures shall not be installed within the side yard Drainage Easement between each residence. Landscaping in the drainage easement shall not be placed within the middle one-third (1/3) of any drainage swale or easement.
19. The bottom of fences along or within Drainage Easements shall be elevated above grade to allow the free flow of drainage.
20. Yard drainage inlets shall be utilized where driveways, patios, sidewalks, or other raised surfaces prohibit the free flow of drainage runoff. Yard drain inlets shall be utilized where landscaping would prohibit the free flow of drainage runoff. Yard drain inlets shall be connected by pipes which drain into a stormwater management facility for the project.
21. Roof gutters shall be installed on the overhangs of each single-family detached residence. Roof gutters shall drain directly into the property line swale or into a piped yard drainage

system, where landscaping is in conflict, connected to a stormwater management facility for the project.

There shall be no more than six (6) inches of overhang plus roof gutter along both sides of each single-family detached residence. There shall be no structural member of any residence that encroaches onto the adjoining lot.

22. A typical lot drainage plan and cross section(s) shall be provided for each single-family detached residence. The drainage and grading for each single-family residence shall be approved by Public Works Department.
23. All dwellings and garages shall utilize turn down slab with 24" form board construction.
24. The single-family detached residences shall be built and graded in clusters.
25. During infrastructure construction, all lots shall be rough graded to provide positive drainage runoff to respective streets, alleys, or connection to the stormwater management system.
26. The building facades for the residences on the 27 foot wide lots shall be consistent with the elevations submitted by the applicant and attached as Exhibit "B".
27. All dwellings shall have a garage to accommodate at least one car.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project adjacent to a perennial stream. The 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 an alternative to Section 907.9.4.2 of the Land Development Code, as shown on the Preliminary Site Plan 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 sentence, section, clause, or other such 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, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 18th day of December, 2007.

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

BY: 
Chairman

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

BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION.

DESCRIPTION:

A parcel of land lying in the Northeast 1/4 and the Southeast 1/4 of Section 21, Township 35 South, Range 18 East and in the Northwest 1/4 and the Southwest 1/4 of Section 22, Township 35 South, Range 18 East, Manatee County, Florida and described as follows:

Commence at the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 21; thence N.89°59'17"E., a distance of 95.00 feet to the east right-of-way line of Lockwood Ridge Road (95-foot wide public right-of-way) as recorded in Official Record Book 1640, Page 573 of the Public Records of Manatee County, Florida; thence along said east right-of-way line for the following four (4) calls; (1) thence N.00°00'43"W., a distance of 705.00 feet to the point of curvature of a curve to the left having a radius of 3,319.04 feet and a central angle of 00°14'56"; (2) thence northerly along the arc of said curve, an arc distance of 14.41 feet to the POINT OF BEGINNING; (3) thence continue northerly along the arc of said curve, through a central angle of 06°50'10", a distance of 396.01 feet to a point of reverse curvature of a curve to the right having a radius of 3,229.04 feet and a central angle of 04°07'53"; (4) thence northerly along the arc of said curve, a distance of 232.84 feet to the end of said curve; thence N.89°33'10"W., a distance of 186.75 feet; thence N.49°49'14"E., a distance of 580.78 feet; thence N.00°00'12"W., a distance of 849.87 feet to the point of curvature of a non tangent curve to the right, of which the radius point lies S.14°15'18"W., a radial distance of 2,023.00 feet; thence southeasterly along the arc of said curve, through a central angle of 21°00'49", an arc length of 741.95 feet to the point of tangency of said curve, said point being on the south right-of-way line of Honore Avenue (120-foot wide public right-of-way) as recorded in Official Record Book 2061, Page 6455 in the above mentioned Public Records; thence S.54°45'53"E., along said south right-of-way line, a distance of 424.37 feet to a point on Honore Avenue Pond Site E1, as recorded in Official Record Book 2061, Page 6455 in the above mentioned Public Records; thence S.24°13'17"E., along the west line of said Pond E1, a distance of 503.90 feet; thence S.88°59'08"E., along the south line of said Pond E1, a distance of 800.32 feet to a point on the above mentioned south right-of-way line of Honore Avenue; thence along said south right-of-way line for the following two (2) calls; (1) thence S.70°43'53"E., a distance of 425.55 feet to a point of curvature of a curve to the left having a radius of 2,143.00 feet and a central angle of 16°42'26"; (2) thence easterly along the arc of said curve a distance of 624.89 feet to a point on the south right-of-way line of Honore Avenue (120-foot wide public road easement) as recorded in Official Record Book 1582, Page 3309, (a portion of which has been vacated by Ordinance) in the above mentioned Public Records; thence along said south road easement line for the following three (3) calls; (1) thence N.89°21'08"W., a distance of 332.00 feet to a point of curvature of a curve to the right having a radius of 2,143.00 feet and a central angle of 11°17'06"; (2) thence westerly along the arc of said curve a distance of 422.09 feet to a point of reverse curvature of a curve to the left having a radius of 2,023.00 feet and a central angle of 02°53'46"; (3) thence westerly along the arc of said curve, a distance of 102.26 feet to the end of said curve; thence S.00°33'42"W., a distance of 233.81 feet to the north plat line of Carlyle at the Villages of Palm Aire, Unit 1, as recorded in Plat Book 33, Page 97, said point being the point of curvature of a non tangent curve to the left, of which the radius point lies S.02°34'17"W.,

a radial distance of 257.18 feet; thence along said north plat line for the following four (4) calls; (1) thence westerly along the arc of said curve, through a central angle of $22^{\circ}35'36''$, an arc length of 101.41 feet to the point of compound curvature of a curve to the left having a radius of 542.51 feet and a central angle of $15^{\circ}21'49''$; (2) thence southwesterly along the arc of said curve, an arc length of 145.47 feet to the point of tangency of said curve; (3) thence $S.54^{\circ}36'52''W.$, a distance of 165.48 feet; (4) thence $S.52^{\circ}29'51''W.$, a distance of 26.07 feet to the point of curvature of a non tangent curve to the left, of which the radius point lies $S.37^{\circ}30'08''E.$, a radial distance of 157.36 feet, said point also being a point on the north plat line of Carlyle at the Villages of Palm Aire, Unit 4, as recorded in Plat Book 36, Page 194 in the above mentioned Public Records; thence along said north plat line for the following nine (9) calls; (1) thence southwesterly along the arc of said curve, through a central angle of $14^{\circ}33'13''$, an arc length of 39.97 feet to the point of tangency of said curve; (2) thence $S.37^{\circ}56'38''W.$, a distance of 260.64 feet; (3) thence $S.61^{\circ}02'31''W.$, a distance of 102.38 feet; (4) thence $S.51^{\circ}18'20''W.$, a distance of 362.47 feet; (5) thence $S.49^{\circ}13'17''W.$, a distance of 402.17 feet; (6) thence $S.49^{\circ}58'22''W.$, a distance of 131.64 feet to a point of curvature of a curve to the left having a radius of 135.00 feet and a central angle of $33^{\circ}00'21''$; (7) thence southwesterly along the arc of said curve a distance of 77.77 feet to a point of reverse curvature of a curve to the right having a radius of 100.00 feet and a central angle of $10^{\circ}31'17''$; (8) thence southerly along the arc of said curve, a distance of 18.36 feet to the point of tangency of said curve; (9) thence $N.89^{\circ}37'07''W.$, a distance of 142.10 feet to the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of said Section 21; thence $N.00^{\circ}04'20''W.$, along the west line of said Northeast 1/4 of the Southeast 1/4, a distance of 730.18 feet; thence $S.89^{\circ}59'34''W.$, a distance of 1,225.30 feet to the POINT OF BEGINNING.

Containing 3,419,397 square feet or 78.4985 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 14TH day of DECEMBER, 2007
R.B. SHORE
Clerk of Circuit Court
By: Nancy Harris D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 21, 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 DEC 31 PM 12:00

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

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 December 18, 2007 and certified copies of Manatee County Ordinance Nos. PDR-04-46(P)(R), PDR-05-17(P)(R), PDR-06-87(P)(R), and PDR-03-53(P)(R4) which were filed in this office on December 21, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/jru
Enclosure

DIRECTOR'S OFFICE

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