

ED FOR RECORD  
R. B. SHORE

78 MAY 12 AM 10:43

ERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**MANATEE COUNTY ZONING ORDINANCE**

**PDR-07-17(P) – SUMMER PLACE DEVELOPMENT CORPORATION – SUMMER PLACE  
CONDOMINIUMS (DTS #20070265)**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, PERTAINING TO APPROXIMATELY 6.54 ACRES ON THE WEST SIDE OF 15<sup>TH</sup> STREET EAST AND APPROXIMATELY ¼ MILE SOUTH OF 53<sup>RD</sup> AVENUE EAST AT 1311 54<sup>TH</sup> AVENUE EAST, BRADENTON IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN TO ADD 30 MULTI-FAMILY UNITS TO AN EXISTING 43 UNIT MULTI-FAMILY PROJECT, WITH AT LEAST 30% OF THE NEW UNITS TO BE 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.

FILED  
2009 MAY -5 AM 10:12  
STATE  
OF FLORIDA

**WHEREAS**, Summer Place Development Corporation (the "Applicant") filed an application for a Preliminary Site Plan to add 30 multi-family units to an existing 43 unit multi-family project, with at least 30% of the new units to be designated as affordable housing on approximately 6.54 acres described in Exhibit "A", attached hereto, (the "Property"); and

**WHEREAS**, the Applicant also requested Special Approval for: 1) a gross density over 9 dwelling units per acre in the RES-16 Future Land Use Category; 2) a net density over 12 dwelling units per acre in the RES-16 Future Land Use Category; and 3) an existing gross density over 6 dwelling units per acre in the ROR Future Land Use Category; and

**WHEREAS**, the Applicant also requested Specific Approval for alternatives to Sections 603.4.9. (h) and 603.7.4.6 of the Land Development Code; and

**WHEREAS**, Planning Department staff recommended approval of the Preliminary Site Plan, Special Approval, and Specific Approval 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 April 10, 2008 to consider the Preliminary Site Plan, 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 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, 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on May 1, 2008 regarding the proposed Preliminary Site Plan 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 Preliminary Site Plan 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 and to satisfy the criteria for approval in the Land Development Code.

D. For the purposes of granting Special Approval for: 1) a gross density over 9 dwelling units per acre in the RES-16 Future Land Use Category; 2) a net density over 12 dwelling units per acre in the RES-16 Future Land Use Category; and 3) an existing gross density over 6 dwelling units per acre in the ROR Future Land Use Category, 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 603.4.9.(h) and 603.7.4.6, regarding inter-neighborhood ties, the Board finds that the public purpose and intent of the Land Development Code regulations have satisfied since the inter-neighborhood tie appears to have more disadvantages than advantages.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved to add 30 multi-family units to an existing 43 unit multi-family project, with at least 30% of the new units to be designated as affordable housing upon the Property subject to the following Stipulations:

#### **STIPULATIONS**

##### **A. DESIGN AND LAND USE CONDITIONS:**

1. The design of the structure shall be in substantial conformance with the elevations entered into the record for this case.
2. A 6' PVC fence with required landscaping on the outside of the fence shall be provided along the portion of the southern project boundary adjacent to residential uses.

3. All dumpsters, compactors, and other utility equipment shall be screened from view of with a six-foot high wall constructed with building materials matching the principal buildings on site.

**B. TRANSPORTATION CONDITIONS:**

1. At the time of Final Site Plan and Construction Plan approval for each phase of the project, 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.
2. The developer shall provide the County a 10 foot Right-of-Way Easement along 15th Street East. The easement documents shall be reviewed and approved by the Public Works Department prior to recordation. The Right-of-Way Easement shall be recorded in the Manatee County public record prior to or in conjunction with Final Site Plan approval.
3. The existing project identification signs may remain in the Right-of-Way Easement until such time that the County needs the use of the easement to accommodate improvements related to a roadway improvement project on 15th Street East. The signs shall be relocated outside of the easement no later than 60 days after receipt of a written request from the County to relocate the signs.

**C. INFRASTRUCTURE CONDITIONS:**

1. All water and sanitary sewer mains and facilities to be dedicated to Manatee County for maintenance must lie within dedicated utility easements or rights-of-way as described in County Resolution R-99-115.

**D. STORMWATER CONDITIONS:**

1. Any fill within the 100-year floodplain of the Bowlees 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 above the seasonal high water level.
2. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Bowlees Creek. Modeling shall be used to determine pre- and post- development flows.
3. 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.

4. 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.

**E. ENVIRONMENTAL CONDITIONS:**

1. 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.
2. 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.
3. 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.
4. 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.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for: 1) a gross density over 9 dwelling units per acre in the RES-16 Future Land Use Category; 2) a net density over 12 dwelling units per acre in the RES-16 Future Land Use Category; and 3) an existing gross density over 6 dwelling units per acre in the ROR Future Land Use Category. This 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 alternatives to Sections 603.4.9. (h) and 603.7.4.6 of the Land Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project 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 section, 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 5. CODIFICATION.** Pursuant to § 125.68(1), Florida Statutes, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

**Section 6. 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 1st day of May, 2008.

BY: BOARD OF COUNTY  
COMMISSIONERS  
MANATEE COUNTY, FLORIDA

BY: 

Chairman

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



BY: 

Deputy Clerk

EXHIBT "A"

LEGAL DESCRIPTION OF THE PROPERTY

LOCATED IN THE N.E. 1/4 OF THE N.E. 1/4 OF SECTION 13, 35-SOUTH RANGE 17-EAST, MANATEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS, BEGINNING AND BEING THE TRUE PLACE OF BEGINNING; 50.00 FT WEST OF THE N.E. CORNER OF THE S.E. 1/4 OF THE N.E. 1/4 OF SECTION 13, TWP. 35-S., RGE. 17-E.; THENCE S.89°55'08"W., 934.40 FT; THENCE N.00°18'15"W, AND PARALLEL TO THE EAST 1/4 SECTION LINE, 457.85 FT; THENCE N.89°55'08"E, 584.40 FT; THENCE S.00°18'15"E, 407.85 FT; THENCE N.89°55'08"E. 350.00 FT TO THE WEST R/W LINE OF U.S. HWY 301; THENCE S.00°18'15"E., 50.00 FT TO THE TRUE P.O.B. CONTAINING 6.540 ACRES.



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 1st day of

May, 20 08

R.B. SHORE  
Clerk of Circuit Court

By: Deane E. Vollmer D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

FILED FOR RECORD  
R. B. SHORE

2008 MAY 12 AM 10:44

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

May 5, 2008

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

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 2, 2008 and certified copies of Manatee County Ordinance Nos. PDR-07-17 (P), Z-07-22 and PDR-98-16 (G) (R), which were filed in this office on May 5, 2008.

As requested, one date stamped copy of each 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  
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COMMUNITY DEVELOPMENT  
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STATE LIBRARY OF FLORIDA  
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STATE ARCHIVES OF FLORIDA  
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LEGISLATIVE LIBRARY SERVICE  
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RECORDS MANAGEMENT SERVICES  
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ADMINISTRATIVE CODE AND WEEKLY  
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