

MANATEE COUNTY ZONING ORDINANCE
PDR-08-03(Z)(G) – DAKIN/DAKIN HOMESTEAD PROPERTY
(DTS #20070586)

FILED FOR RECORD
R. B. SHORE

2010 NOV 16 PM 2:48

COURT
CLERK
MANATEE COUNTY, FLORIDA

DEPARTMENT OF
TALLAHASSEE, FLORIDA

2010 NOV - 9 AM 11:30

FILED

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 A REZONE OF APPROXIMATELY 238.12 ± ACRES LOCATED APPROXIMATELY 1.25 MILES EAST OF US 301 NORTH, SOUTH OF SR 62 AND NORTH OF CR 675, AT 13750, 13850, 13960, 13970, AND 14170 CR 675 AND 13855 AND 14121 SR 62, PARRISH FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY) TO THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY; APPROVING A GENERAL DEVELOPMENT PLAN FOR A MAXIMUM OF 420 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS, AND A MAXIMUM OF 68 SINGLE-FAMILY ATTACHED RESIDENTIAL UNITS, NOT TO EXCEED 448 TOTAL RESIDENTIAL UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Cameron, Jerry, Rodney, and Farren Dakin (the "Applicants") filed an application to rezone approximately 238.12 acres from A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) zoning district, retaining the Overlay described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the Applicant has also filed a General Development Plan for a maximum of 420 single-family detached residential units, and a maximum of 68 single-family attached residential units, not to exceed 448 total residential units; (the "Project") on the property; and

WHEREAS, the Applicant also filed Special Approval for a project exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category; and

WHEREAS, the Planning Staff has recommended approval of the rezone, General Development Plan, and Special Approval applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a duly noticed public hearing on October 14, 2010 to consider the rezone, General Development Plan, and Special 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, General Development Plan, and Special Approval, 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/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) zoning district, retaining the Overlay.

B. The Board of County Commissioners held a duly a noticed public hearing on November 4, 2010, 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. For the purposes of granting a Special Approval the Board finds that the project, as detailed on the General Development Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. GENERAL DEVELOPMENT PLAN The General Development Plan is hereby GRANTED for a maximum of 420 single-family detached residential units, and a maximum of 68 single-family attached residential units, not to exceed 448 total residential units on the property subject to the following stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offences Concerning Dead Bodies and Graves) shall be followed.

2. Agricultural activity may continue on this site in accordance with Land Development Code Sections 603.3.4 and 704.2. Construction and farm truck traffic will be routed in such a way as to minimize intrusion for the new neighborhoods within the project. The Preliminary/Final Site Plan shall indicate where truck traffic routes will be located in order to comply with this requirement.
3. At the time of Preliminary/Final Site Plan approval, signs shall be shown on plans to be posted indicating the location of future inter-neighborhood ties to undeveloped property to the west.
4. All driveways for single-family attached and single-family detached units shall be a minimum of 16 feet wide to accommodate the parking of two vehicles, side by side.
5. The Preliminary/Final Site Plan shall show meandering 5' wide sidewalks along SR 62 and CR 675 or as otherwise approved by Florida Department Of Transportation and Manatee County.
6. In order to ensure two means of access, the entrance to Phase 1 shall be a boulevard entrance with two 24' wide lanes and a 12' median.

B. INFRASTRUCTURE CONDITIONS:

1. All new construction must meet or exceed the Flood Protection Elevation. All roadway construction within the 100-year floodplain shall be elevated above the 100 year contour elevation.
2. The Developer shall be responsible for all costs associated with easements, right-of-way, permitting, engineering, design, construction and installation of the water, sewer and reclaimed water lines and other facilities to the Property as provided by County ordinances, resolutions and policies in order to ensure that the capacity of public facilities needed to support this development are available concurrent with the impacts of such development.

The provisions of the Manatee County Comprehensive Plan and Land Development Code require that adequate capacity exist with respect to sewer line collection capacity, sewer plant treatment capacity, potable water distribution line capacity and potable water treatment plant capacity to obtain concurrency approvals for wastewater and potable water. By the adoption of this ordinance, the County has not assumed the obligation, either expressly or by implication, to bear any of the expenses to provide water, sewer or reclaimed water to the Property including, without limitation, any obligation to provide for adequate circulation of potable water or reclaimed water within the lines by flushing or otherwise to ensure proper circulation of water in the mains. Any new waste water facilities shall be located and constructed in accordance with the most recent version of the North Manatee County Wastewater Master Plan in effect at the time of such design however, this shall not require the developer to oversize water or wastewater mains unless requested to do so by Manatee County and costs associated with such oversizing shall require participation or reimbursement by the County as further detailed in a written agreement.

C. STORMWATER CONDITIONS:

1. The developer shall provide a drainage easement to Manatee County to accept stormwater and floodplain compensation for that portion of the CR 675 widening to 6 lanes that is located immediately adjacent to the project to accommodate roadway expansion. The developer shall design and construct the stormwater and floodplain compensation capacity for that portion of the future 6 lanes divided roadway within the project area and such design and construction shall be included in the SWFWMD permit documentation.
2. Any fill within the 25-year or 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 and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
3. 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 Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along the trunk ditch within the project boundaries. In addition, a twenty five (25) foot Drainage-Maintenance Access Easement shall be provided along the south side of the trunk ditch. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions, unless otherwise approved by SWFWMD and Manatee County, including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
5. The developer shall include in the homeowner's documents that Manatee County has no obligation relative to the trunk ditch or Gamble Creek to maintain, change, improve, clean, repair natural erosion, restore the natural changes in the course of the stream bed or correct any other condition not caused by the County.
6. The drainage model shall be a stormwater management model that reflects the existing condition of the project area within the larger main watershed. The existing condition shall be modeled by AD-ICPR reflecting existing storage and staging in wetlands, ground depressions, and drainage ditches as individual nodes. This model shall be set up in a fashion that would be modified to reflect the proposed condition. The objective is to see one model for existing condition that is also used for post development condition and one could compare the true high-water stages, storage and flow rates under each condition. Extra attention needs to be given to drainage from/ and to off-site area.
7. If there are any required improvements to CR 675 generated by this project, then road side ditch shall be piped.
8. All crossings of the trunk ditch and wetland systems shall be designed to convey the 100-year storm event.

9. The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the SR 62 widening to 6 lanes that is located immediately adjacent to the project to accommodate roadway expansion. The developer shall design and construct the stormwater capacity for that portion of the future 6 lanes divided roadway within the project area and such design and construction shall be included in the SWFWMD permit documentation.

D. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted for review prior to Final Site Plan approval.
2. The Preliminary/Final Site Plan shall identify wildlife connections between preservation areas severed by roadway construction. Oversized culverts rumble strips or wildlife crossing signage may be required for wildlife connections and shall be approved with the Final Site Plan.
3. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland/tree preservation areas shall be dedicated to Manatee County concurrent with Final Plat approval.
4. Details for the proposed trail system shall be provided with the Preliminary/Final Site Plan submittal. All proposed nature trails located in wetlands/wetland buffers shall be designed in a manner that minimizes impacts to trees and areas of native vegetation.
5. Existing native vegetation located within required landscape buffers shall be preserved to the greatest extent possible. There shall be no improvements located within any proposed landscape buffer containing desirable native vegetation, with the exception of limited crossings.

E. RECREATIONAL:

1. The Preliminary/Final Site Plan for Phase 5 shall show a recreational facility in an open space area location, as generally shown on the General Development Plan, to be approved by the Planning Department.
2. The Preliminary/Final Site Plan for either Phase 1 or 2 shall show the multi-use linear trail to be constructed in order to connect the recreation area in Phase 1 with Phase 2, through Phase 5.
3. The Preliminary/Final Site Plan for Phases 2 and 3 shall show a connection to the multi-use trail.

F. NOTICES

1. The Notice to Buyers and Preliminary/Final Site Plan(s) shall include language informing prospective home buyers of the following:
 - a. the location of parks, open space, and active recreation areas;

- b. the presence of inter-neighborhood ties to future development to the west of Phases 3 and 4, and that traffic from adjoining developments may use their roadways;
- c. the location of the 25-year floodplain relative to the project;
- d. the presence of agricultural use on the property during site development in accordance with Land Development Code Sections 603.3.4 and 704.2.

Section 3. SPECIAL APPROVALS.

Special Approval is hereby granted for a project exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category. 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.

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 described in Exhibit "A" incorporated herein by reference, from A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) zoning district, retaining the Overlay 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. 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 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 6. 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 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 November, 2010.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: 

Donna G. Hayes, Chairman

ATTEST:

R. B. SHORE

Clerk of the Circuit Court

BY: 

Deputy Clerk

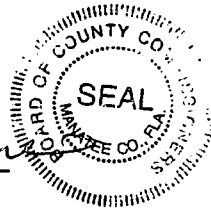


EXHIBIT "A"

LEGAL DESCRIPTION

O.R.B. 1936 PAGE 7172

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27,
TOWNSHIP 33 SOUTH, RANGE 19 EAST.

ALSO,

FROM THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST GO WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 28 A DISTANCE OF 666.4 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28; THENCE GO NORTHERLY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND SAID LINE EXTENDED, A DISTANCE OF 1988.14 FEET TO AN EAST-WEST FENCE LINE FOR A POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG THE LAST DESCRIBED LINE EXTENDED FURTHER NORTHERLY A DISTANCE OF 552.4 FEET TO THE INTERSECTION OF SAID LINE WITH AN EXISTING FENCE LINE; THENCE GO SOUTHWESTERLY ALONG SAID INTERSECTING FENCE A DISTANCE OF 556.5 FEET TO A FENCE CORNER; THENCE GO EASTERLY ALONG THE FIRST DESCRIBED EAST-WEST FENCE, A DISTANCE OF 69.5 FEET TO A POINT OF BEGINNING.

ALSO:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST, LESS AND EXCEPT THOSE LANDS DESCRIBED IN DEED BOOK 249, PAGE 397 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO:

NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST, CONTAINING 10 ACRES, MORE OR LESS.

ALSO,

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 33 SOUTH, RANGE 19 EAST.

ALSO,

THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST.

ALSO,

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, LESS 16 FEET OFF THE SOUTH SIDE THEREOF, AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST.

ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE S 00°25'33" E ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 60.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 62 PER F.D.O.T. RIGHT OF WAY MAP SECTION 13060-2501; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: (1) S. 89°02'56" E A DISTANCE OF 1002.96 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, WHOSE RADIUS POINT LIES N 00°56'36" E, A DISTANCE OF 1492.40 FEET; (2) THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT. A DISTANCE OF 335.61 FEET, THROUGH A CENTRAL ANGLE OF 12°53'05" TO THE END OF SAID CURVE AND THE END OF SAID SOUTH RIGHT OF WAY LINE; THENCE S 00°38'58" E ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 27 AND THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 3893.44 FEET, TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 675 AS SHOWN ON F.D.O.T RIGHT OF WAY MAP SECTION (1311-201)1351-201; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES: (1) THENCE N 89°51'03" W A DISTANCE OF 931.21 FEET; (2) THENCE S 00°52'24" W A DISTANCE OF 24.54 FEET; (3) THENCE N 89°45'57" W A DISTANCE OF 306.49 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WHOSE RADIUS POINT LIES S 00°05'25" W, A DISTANCE OF 85993.70; (4) THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 565.68 FEET THROUGH A CENTRAL ANGLE OF 00°22'37" TO THE END OF SAID CURVE; (5) THENCE S 89°43'12"W, A DISTANCE OF 365.56 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, WHOSE RADIUS POINT LIES S 00°16'48" E A DISTANCE OF 28697.80 FEET; (6) THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 505.85 FEET, THROUGH A CENTRAL ANGLE OF 01°00'36" TO THE END OF SAID CURVE ALSO BEING THE END OF SAID NORTHERLY RIGHT OF WAY LINE; THENCE N 00°21'48" W ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST, A DISTANCE OF 1267.14 FEET; THENCE N 00°15'41" W ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 2662.50 FEET; THENCE S 89°05'32" E ALONG THE SOUTHERLY RIGHT OF WAY LINE OF THE AFOREMENTIONED STATE ROAD 62, A DISTANCE OF 1315.13 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 27 AND 28, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY FLORIDA.

CONTAINING 238.12 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 5th day of

November, 2010

R.B. SHORE
Clerk of Circuit Court

By: Maggie Hamilton cc.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

FILED FOR RECORD
R. B. SHORE

2010 NOV 16 PM 2:47

November 9, 2010

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

Attention: Ms. Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 5, 2010 and certified copies of Manatee County Ordinance Nos. Z-10-05 through Z-10-07, PDMU-10-13 (Z)(G), PDR-08-03 (Z)(G) and PDR-03-53 (P)(R6), which were filed in this office on November 9, 2010.

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
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CAPITOL BRANCH
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
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ADMINISTRATIVE CODE AND WEEKLY
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