

FILED FOR RECORD
R. B. SHORE
2010
AM 8:23

MANATEE COUNTY ZONING ORDINANCE
PDR-09-14(Z)(P) – CLAUDE AND CYNTHIA YOUNG / SUMMER WOODS PROPERTY
ADDITION – DTS#20090279

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA
2010 JUN 24 PM 3:25
FILED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF ± 76 ACRES ON THE SOUTH SIDE OF MOCCASIN WALLOW ROAD, ONE MILE WEST OF U.S. 301 AT 10525 AND 11333 MOCCASIN WALLOW ROAD, PARRISH FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY) ZONING DISTRICT TO THE PDR/NCO (PLANNED DEVELOPMENT RESIDENTIAL, RETAINING THE NORTH CENTRAL OVERLAY) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 562 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES AND AN OPTIONAL DAYCARE ON ± 268.14 ACRES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Claude and Cynthia Young and Neal Communities, Inc. (the "Applicants") filed an application for a rezone of approximately 76 acres from A/NCO (General Agriculture/North Central Overlay) zoning district to the PDR/NCO (Planned Development Residential) zoning district, retaining the North Central Overlay; and

WHEREAS, the applicant also filed a request for a Preliminary Site Plan for approximately 268.14 acres described in Exhibit "A", attached hereto, (the "Property") for 562 lots for single-family detached residences and an optional daycare; and

WHEREAS, the applicant filed a request for Special Approval for a project: 1) exceeding one (1) dwelling unit per acre in the UF-3 Future Land Use Category, and 2) adjacent to a perennial stream; and

WHEREAS, the applicant filed a request for Specific Approval for alternatives to LDC Sections 604.10.3.3(k), 712.2.8, and 907.9.4; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, Specific Approval, 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 June 10, 2010 to consider the rezone, Preliminary Site Plan, Special Approval and Specific Approval applications, 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, 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 a portion of the real property described in Exhibit "A" of the Ordinance for 76 ± acres from A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) retaining the North Central Overlay zoning district.

B. The Board of County Commissioners, after due public notice, held a duly noticed public hearing on June 21, 2010 regarding the 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, 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.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.3(k), the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree by the proposed design because the buffer is wider than required.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 712.2.8, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree by the proposed design because the three future neighborhood ties will provide alternative access points once the adjoining properties are developed.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4, the Board finds that the public purpose and intent of the LDC regulations are satisfied

to an equivalent degree by the proposed design because a turnaround is provided at 800' which will provide for efficient emergency service.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 562 lots for single-family detached residences and an optional daycare on 268.14 ± acres upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Approval of the Final Site Plan shall be required for the optional daycare center and shall meet all applicable Land Development Code requirements.
2. All corner lots shall be at least 15% greater than the minimum lot size approved. If there is common open space between the lot and the right-of-way, the common open space and the side yard setback combined shall be a minimum of 15 feet.
3. The westernmost cul-de-sac shall be shown to be extended to the western most property line, to connect to the future extension of Sawgrass Road, and shall be shown to be paved by the developer on the Final Site Plan. The pavement shall occur with Final Plat of that phase.
4. A 23' front yard setback shall be permitted for the front loaded garages so long as a minimum 2' grass strip is provided between the lot line and the 5' sidewalk (see attached exhibit).
5. 120' right-of-way for the future extension of Sawgrass Road shall be shown to be dedicated on the Final Site Plan and dedicated to the County with the Final Plat for that phase.
6. The garages for the 27' wide lots shall be placed in the rear of the lots (i.e., from the alley).

B. STORMWATER CONDITIONS:

1. Any proposed trails running through the 100-year floodway of the Buffalo Canal/Creek shall be constructed as a nature trail at existing grade. Design elements will be reviewed with the Final Site Plan.
2. The applicant is hereby noticed that all building construction will be reviewed based on the delineation of the floodplain as shown on the FIRM. If the applicant proposes to formally revise the 100-year floodplain, a Letter of Map Revision (LOMR) must be approved by FEMA prior to Final Site Plan approval.
3. Any fill within the 25-year or 100-year floodplains of the Buffalo Canal/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), except as provided below. The applicant must demonstrate either (1) The available storage volume above the 25-year Design High Water Level of any proposed stormwater retention ponds can be calculated toward compliance with the flood plain compensation requirement or (2) Provide a stormwater routing model that utilizes the Buffalo Canal tail water time stage series elevations and identify the volume of water that is available between the retention pond elevation at the time of reversal of flow and the 100-year/24-hour design high water level as the available floodplain compensation volume or (3) Perform a hydraulic analysis utilizing the Buffalo Canal Watershed Study, if adopted by time of final design, demonstrating a "No-Rise" type impact for the 100-year/24-hour storm event.

4. The existing 25-year flood elevation along the Buffalo Canal/Creek shall be utilized as tailwater condition. This elevation may be a time-stage elevation according to a county accepted area wide watershed model for Buffalo Canal.
5. 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 Buffalo Canal/Creek. Modeling shall be used to determine pre- and post-development flows. Over-attenuation is not required for open space areas, upland preservation areas, wetlands and their buffers, landscape buffers or undisturbed areas. Attenuation is not required on the stormwater flows that discharge onto and through this property from adjacent roadways, subdivisions, lands, etc.
6. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Buffalo Canal/Creek within the project boundaries. In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided along Buffalo Canal/Creek. The Drainage-Maintenance Access Easements may be inclusive of the perimeter Landscape Buffer such that a minimum of 15 feet is clear of proposed trees. Existing vegetation shall not be removed to provide access to or along this easement. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
7. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along all drainage conveyance systems between Moccasin Wallow Road and Buffalo Canal/Creek within the project boundaries. In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided along at least one side of these drainage systems. The Drainage-Maintenance Access Easements may be inclusive of the perimeter Landscape Buffer such that a minimum of 15 feet is clear of proposed trees. Existing vegetation shall not be removed to provide access to or along this easement. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

8. The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the Moccasin Wallow Road widening to build-out condition 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 half of a 6- lane divided roadway within the project area and such design and construction shall be included in the SWFWMD permit documentation. Additional stormwater capacity shall be impact fee creditable.
9. The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the Sawgrass Road Extension to build-out condition 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 4- lane divided roadway within the project area and such design and construction shall be included in the SWFWMD permit documentation. Additional stormwater capacity shall be impact fee creditable.

Stipulations for 27 ft. wide Cottage-Product Lots:

10. 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.
11. The bottom of fences along or within Drainage Easements shall be elevated above grade to allow the free flow of drainage.
12. Roof gutters shall be installed on the overhang of each single-family detached residence where there a one foot side setback. Roof gutters shall drain directly into the side yard drainage easement.
13. 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.
14. All single-family detached residences shall utilize turn down slab with 24" form board construction.
15. The single-family detached residences shall be built and graded in clusters.
16. 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.

Stipulation for lots with 6 and 5 feet side yard setbacks:

17. There shall be a minimum of ten (10) feet separation between accessory equipment and structures alongside abutting houses with 6 and 5 feet side yard

setbacks.

C. BUFFERS:

1. Existing native vegetation located within any required landscape buffer, wetland buffer or upland preservation area shall be preserved to the greatest extent possible. There shall be no overhead or underground utilities or stormwater facilities within any buffers containing desirable native vegetation with the exception of limited crossings. Nature trails, boardwalks and shade structures located in wetland buffers and upland preservation areas shall be designed in a manner that minimizes impacts desirable vegetation. Additionally, installation of new plant material shall not occur in perimeter buffers where desirable vegetation exists.
2. No detention or retention ponds shall be constructed within landscape buffers or greenbelts.

D. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Natural Resources Department for review prior to Final Site Plan approval.
2. 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 approval.
3. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
4. Existing trees located on Lots 82-91 shall be preserved to the greatest extent possible. Construction methods, including the use of chainlink fence barricades and stemwall construction will be reviewed at the time of Final Site Plan submittal. NRD staff may require design modifications to allow for the protection of these trees.
5. Building permits for structures located on Lots 82-91 shall be routed to NRD staff for review prior to issuance.

E. NOTICES

1. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Site Plan, and shall include language informing prospective homeowners in the project of: 1) The location of the inter-neighborhood ties and the potential for future traffic through the subdivision; 2) future construction of Sawgrass Road as

a 4-lane Collector, 3) the potential uses associated with surrounding agriculture zoning which may have a negative impact on residences (e.g., noise and odor); 4) the location of the potential future elementary school site in Copperstone; 5) undeveloped portions of the site are in the floodway, 6) portions of the site are in 100- and 25-year floodplains; 7) noise from traffic along Moccasin Wallow Road due to the widening; 8) the potential, internal day care and its location; and, 9) that school buses may enter the community if it becomes gated.

Section 3. 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 classification a portion of the property identified in Exhibit "A" herein from A/NCO (General Agriculture/North Central Overlay) zoning district to the PDR/NCO (Planned Development Residential) retaining the North Central Overlay 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 4. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding one (1) dwelling unit per acre in the UF-3 Future Land Use Category, and 2) adjacent to a perennial stream. 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 LDC Sections 604.10.3.3(k), 712.2.8, and 907.9.4 of the Land Development Code. This 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 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 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, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

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 21st day of June, 2010.

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

BY:


Donna G. Hayes, Chairman

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

BY:


Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION (FROM OFFICIAL RECORDS BOOK 1746, PAGE 5246):

PARCEL A: THE N 1/2 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL B: THAT PORTION OF THE SE 1/4 OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 18 EAST, LYING NORTH OF THE CENTER LINE OF THE BUFFALO CANAL, MANATEE COUNTY, FLORIDA.

PARCEL C: BEGIN AT THE NW CORNER OF THE SW 1/4 OF SECTION 19, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE SOUTH 89°25'15" EAST ALONG THE NORTH LINE OF SAID SW 1/4 A DISTANCE OF 2002.87 FEET; THENCE SOUTH 00°36'15" EAST 1815.0 FEET TO THE CENTER OF THE BUFFALO CANAL; THENCE WESTERLY ALONG THE CENTER OF SAID BUFFALO CANAL A DISTANCE OF 2025.94 FEET TO THE WEST LINE OF SAID SECTION 19; THENCE NORTH 00°07'30" EAST 1852.9 FEET TO THE POINT OF BEGINNING. LESS 35 FEET FOR ROAD RIGHT-OF-WAY OFF NORTH.

ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A tract lying in Section 19, Township 33 South, Range 19 East and Section 24, Township 33 South, Range 18 East, Manatee County, Florida and described as follows:

Commence at the Northwest corner of Section 24, Township 33 South, Range 18 East; thence S.00°10'10"W., along the East line of the Northwest 1/4 of said Section 24, a distance of 2,569.32 feet to the Northwest corner of the Southwest 1/4 of said Section 24 for the POINT OF BEGINNING; thence S.89°49'01"E., along the monumented North line of the Southwest 1/4 of Section 24, a distance of 2,586.23 feet to the Northeast corner of the Southwest 1/4 of said Section 24; thence S.89°43'08"E., along the monumented North line of the Southeast 1/4 of said Section 24, a distance of 2,245.61 feet to the south maintained right-of-way line of Moccasin Wallow Road as recorded in Road Plat Book 4, Page 153 through 210, Affidavits Recorded in Official Record Book 818, Pages 218 and 219 both of the Public Records of Manatee County, Florida, said point also being the beginning of a non-tangent curve to the left, of which the radius point lies N.09°09'17"E., a radial distance of 2,939.48 feet; (the following three calls are along said south maintained right-of-way line of Moccasin Wallow Road): (1) thence easterly along the arc of said curve, through a central angle of 07°56'32", an arc length of 407.46 feet to the end of said curve; (2) thence S.88°59'55"E., along a line not tangent to the previously described curve, a distance of 971.38 feet; (3) thence S.89°19'43"E., a distance of 1,032.04 feet to the westerly line of the tract of land described in Official Record Book 1903, Page 7711 of said public records; thence S.00°10'56"E., along said westerly line, a distance of 1,784.27 feet to the center line of Buffalo Canal as shown on a survey by Leo Mills & Associates, Inc., Job Number C1594, Drawing Number 23#36, dated April 24, 2002 and revised May 9, 2002 and annexed hereto as Attachment 1; (the following eight calls are along said center line of Buffalo Canal): (1) thence S.89°51'55"W., a distance of 2,025.93 feet; (2) thence S.89°51'16"W., a distance of 1,344.47 feet; (3) thence N.66°04'29"W., a distance of 163.62 feet; (4) thence N.64°42'30"W., a distance of 265.13 feet; (5) thence N.68°25'30"W., a distance of 255.56 feet to the

beginning of a non-tangent curve to the left, of which the radius point lies S.10°49'22"W., a radial distance of 185.19 feet; (6) thence westerly along the arc of said curve, through a central angle of 36°54'51", an arc length of 119.31 feet to the end of said curve; (7) thence S.74°33'11"W., along a line not tangent to the previously described curve, a distance of 575.06 feet; (8) thence S.82°07'08"W., a distance of 13.56 feet to the monumented West line of the Southeast 1/4 of Section 24, Township 33 South, Range 18 East; thence N.00°41'31"E., along said West line of the Northwest 1/4 of the Southeast 1/4 of Section 24, a distance of 458.34 feet to the South line of the North 1/2 of the Southwest 1/4 of said Section 24; thence N.89°09'00"W., along said South line, a distance of 2,585.90 feet to the West line of the Southwest 1/4 of said Section 24; thence N.00°40'52"E., along said West line, a distance of 1,277.99 feet to the POINT OF BEGINNING.

Said tract contains 11,680,326 square feet or 268.1434 acres, more or less.

DESCRIPTION FOR REZONE PARCEL

PARCEL: THE N 1/2 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.



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 22nd day of

June, 2010
R.B. SHORE
Clerk of Circuit Court

By: Maggie Hamilton B.B.



FILED FOR RECORD
R. B. SHORE

2010 JUL -1 AM 8:23

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

June 25, 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 letters dated June 22, 2010 and certified copy of Zoning Ordinance for Manatee County No. PDR-09-14-(Z) (P), which was filed in this office on June 24, 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
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.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