

FILED FOR RECORD
R. B. SHORE

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2007 AUG 16 PM 3:18
PDR-97-04(P)(R)

MANATEE COUNTY ORDINANCE

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VILLAGES OF

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

PALM AIRE (a.k.a. CARLYLE, AVALON, & TREYMORE)

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDR-97-04(P)(R) PERTAINING TO APPROXIMATELY 273.12 ACRES ON THE NORTH AND SOUTH SIDES OF WHITFIELD AVENUE, \pm 750 FEET EAST OF LOCKWOOD RIDGE ROAD IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING REVISED PRELIMINARY SITE PLAN NO. PDR-97-04(P)(R) TO BE SUBSTITUTED FOR PRELIMINARY SITE PLAN PDR-97-04(Z)(P), WHICH WAS APPROVED ON JULY 22, 1997, TO REMOVE \pm 36.83 ACRES ON THE NORTH SIDE OF RATTLESNAKE SLOUGH FROM THE APPROVED PRELIMINARY SITE PLAN FOR THE VILLAGES OF PALM AIRE; SETTING FORTH FINDINGS, PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Provident National Property Group, LLC (the "Applicant") filed an application to revise a Zoning Ordinance and Preliminary Site Plan previously approved on July 22, 1997 (the "July 1997 Preliminary Site Plan") pertaining to property on the north and south sides of Whitfield Avenue, \pm 750 feet east of Lockwood Ridge Road in the PDR (Planned Development Residential) zoning district, this property being more specifically described in Exhibit "A", attached hereto; and

WHEREAS, the revised Zoning Ordinance and Preliminary Site Plan removes \pm 36.83 acres on the north side of Rattlesnake Slough from the approved Preliminary Site Plan for the Villages of Palm Aire. This change will increase the approved density from 1.88 d. u. per acre to 2.09 d.u. per acre and decrease the approved open space from 55.8% to 49.75% for the Villages of Palm Aire site plan. There will be no changes as a result of this request to the built-out portions of the Villages at Palm Aire that are south of Rattlesnake Slough; and

WHEREAS, the Applicant also filed a request for Special Approval for a project: 1) in the Evers Reservoir Watershed, and 2) adjacent to a perennial stream; and

WHEREAS, the Applicant also file a request for alternatives to Sections 710.1.5.1.1, 604.1.2.13, 710.1.6, 907.9.1.4, 907.9.1.3, and 712.2.2.8; and

WHEREAS, Planning staff recommended approval of the amendment to remove \pm 36.83 acres on the north side of Rattlesnake Slough from the approved Preliminary Site Plan for the Villages of Palm Aire; and

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on August 2, 2007 after due notice, considered the criteria set forth in the Manatee County Land Development Code, and approved the revised Zoning Ordinance and Preliminary Site Plan, subject to the stipulations set forth herein.

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 the revised zoning ordinance and site plan, 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 staff concerning the application for a revised 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 August 2, 2007, regarding the revised Zoning Ordinance and 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 revised 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.

Section 2. AMENDMENT OF JULY 1997 PRELIMINARY SITE PLAN APPROVAL:

Ordinance No. PDR-97-04(Z)(P) is hereby amended to substitute Preliminary Site Plan No. PDR-97-04(P)(R) for the previously approved Preliminary Site Plan to remove ±36.83 acres on the north side of Rattlesnake Slough from the approved Preliminary Site plan for the Villages of Palm Aire upon the property described in Exhibit "A", subject to the stipulations contained herein. The Board hereby GRANTS Special Approval for a project: 1) in the Evers Reservoir Watershed; and 2) adjacent to a perennial stream; and GRANTS alternatives to Sections 710.1.5.1.1, 604.1.2.13, 710.1.6, 907.9.1.4, 907.9.1.3, and 712.2.2.8; subject to the following Stipulations;

STIPULATIONS

1. Prior to any Final Plat approval for the 130th lot on the north side of Whitfield Avenue, a 120 foot wide right-of-way easement, consistent with the rights possessed by the Developer under the easement agreement recorded at OR BK 1504, PG 366 et. seq., shall be dedicated for the extension of Honore Avenue through this property, in the location generally shown on the Preliminary Site Plan. Further, the developer shall not design or construct improvements, except for the patrol road for FP&L, or grant easements that would impede construction of Honore Avenue within the area that is defined as the

120 foot wide strip of land.

2. The required greenbelt along the southern portion of the property, adjacent to Palm Aire at Sarasota, shall preserve existing native vegetation that serves as buffering between this development and Palm Aire at Sarasota, Unit 7. Within this buffer, the screening shall maintain opacity of 80 percent between the heights of 2 to 6 feet at maturity.
3. A Wetland Enhancement Plan shall be approved by the Planning Department prior to Final Site Plan approval.
4. For all single family lots the minimum front yard setback shall be 20 feet, however, the minimum depth of the driveway within the lot (i.e., between the garage door and front property line) shall be 25 feet. The minimum side yard setback shall be 7.5 feet. For villa lots, the minimum front yard setback shall be 20 feet and the minimum side yard setback shall be 7.0 feet.
5. Prior to Final Plat approval for any sub phase north of the existing 60-foot wide FP&L easement north of Whitfield Avenue, this easement shall be relocated as shown on the Preliminary Site Plan. The relocated easement shall not conflict with the future alignment of Honore Avenue through the site as shown on the site plan. In the event the relocated easement crosses any lots, the depth of the lots shall be increased so that a minimum lot depth of 120 feet exists outside of the easement.
6. A 25 foot wide drainage access easement shall be provided to Manatee County adjacent to Rattlesnake Slough.
7. As required by the Southern Manatee Fire District, prior to the issuance of the 100th building permit in the development, the Developer shall improve that portion of Lockwood Ridge Road from the end of the driveway into the existing church property (north of Tallevast Road), to Whitfield Avenue, to allow for the passage of emergency vehicles. The process for monitoring the restriction for 100 building permits shall be established prior to the approval of the first building permit. Such improvements shall be to Southern Manatee Fire and Rescue District specifications for a temporary roadway or its engineering equivalent. Manatee County shall be responsible to keep access via this roadway open for such emergency use and shall provide ongoing maintenance as necessary. Commencement of construction of Lockwood Ridge Road by Manatee County shall satisfy this requirement. The number of units contained herein may be extended by the Southern Manatee Fire and Rescue District.
8. The allowable post-development discharge rates to the existing drainage system (e.g., lakes and conveyance channels) shall be reduced by 50% of the pre-development rate for a 25-year 24-hour storm event.
9. In lieu of stipulation # 8, above, the applicant may demonstrate through a comprehensive hydrodynamic model that the project will not result in any adverse impact to off-site flood elevations. The model shall be submitted in hard copy and disk format for review and approval by the Manatee County Storm Water Management Division.
10. The project shall not increase the FEMA 100 year floodplain, floodway, or base flood elevations; and shall meet all FEMA requirements and guidelines, where applicable.
11. The Developer shall include in the permit application to the Southwest Florida Water

Management District a proposal to allow the applicant, in conjunction with Manatee County, to clean and maintain from top-of-bank, the main channel of Rattlesnake Slough within the Developer's property, (i.e., from Lockwood Ridge Road to the eastern property line of the project).

12. Any alteration or improvement to the main Rattlesnake Slough within the project area will be implemented so as to accommodate future increases in discharge rates from the existing outfall structures on Palm Aire development and golf course lakes to the extent that there are no adverse impacts to flood levels downstream.
13. The dead-end street north of Lot 10 in Desoto Lakes Country Club Colony shall be connected with a golf cart/pedestrian path and shall not allow vehicle traffic.
14. The 15 foot greenbelt buffer located on the south side of the 80 foot lot sub phase shall be located outside of any easement at time of platting.
15. Construction traffic for this development shall be prohibited from using Oak Run Drive or any other local streets.
16. Prior to the Final Site Plan approval for the 101st lot in the 80-foot wide sub phase Treymore, an emergency secondary means of access 15 feet wide shall be provided to 47th Street East. The emergency access shall be paved to County standards with sufficient base and surface stability to support emergency vehicles. Emergency access shall be paved to County standards with sufficient base and surface stability to support emergency vehicles.

Section 3 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 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.

(Signature block on next page)

Section 5. 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 2nd day of August, 2007.

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

BY: 
Chairman

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

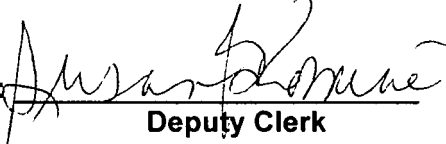
BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION.

The unplatted Taylor Woodrow property located north of the centerline of Rattlesnake Slough and lying within the proposed Woodbrook site plan, as legally described as follows:

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 of 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"E., 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°43'53"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°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 an central angle of 15°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°36'52"W., a distance of 165.48 feet; (4) thence S.52°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°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°33'13", an arc length of 39.97 feet to the point of tangency of said curve; (2) thence S.37°56'38"W., a distance of 260.64 feet; (3) thence S.61°02'31"W., a distance of 102.38 feet; (4) thence S.51°18'20"W., a distance of 362.47 feet; (5) thence S.49°13'17"W., a distance of 402.17 feet; (6) thence S.49°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°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°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°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°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°59'34"W., a distance of 1,225.30 feet to the POINT OF BEGINNING.

Containing 36.83 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 4th day of August, 2007
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



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R. B. SHORE

2007 AUG 16 PM 3:17

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

August 14, 2007

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 6, 2007, and certified copies of Manatee County Ordinance Nos. PDMU-01-02(P)(R), PDC-03-47(P), PDPI-06-42(Z), PDR-97-04(P)(R), PDC-06-57(Z)(P), PDR-06-87(Z)(P), PDPM-06-74(G), PDI-05-56(P), PDR-06-78(Z)(P), PDI-05-18(Z)(P), and PDMU-06-23(Z)(P), which were filed in this office on August 9, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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