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**MANATEE COUNTY ORDINANCE
PDR-04-46(P)(R) – FAIRFIELD (F.K.A. MIXON/NEAL SR 70 REZONE)**

FILED FOR RECORD
R. B. SHORE

2007 DEC 31 12:00

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDR-04-46(Z)(P) PERTAINING TO APPROXIMATELY 27.26 ACRES ON THE SOUTH SIDE OF SR 70, AND WEST OF 51ST STREET EAST, AT 4900 53RD AVENUE EAST, BRADENTON IN THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A REVISED PRELIMINARY SITE PLAN AND AMENDING AND RESTATING ZONING ORDINANCE PDR-04-46(P) APPROVED ON DECEMBER 20, 2005; TO ALLOW AN OPTION TO CHANGE THE NUMBER AND TYPE OF RESIDENTIAL UNITS FROM 207 LOTS FOR SINGLE-FAMILY ATTACHED UNITS TO 184 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; MODIFY THE BUILDING SETBACKS, AND MINIMUM LOT WIDTH; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY FLORIDA
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WHEREAS, Neal Communities Land Development, Inc. (the "Applicant") requested an amendment to the Zoning Ordinance approved on December 20, 2005 pertaining to property on the south side of S.R. 70, and west of 51st Street East, at 4900 53rd Avenue East, 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 type of residential units from 207 lots for single-family attached units to 184 lots for single-family detached residences; modify the building setbacks, and minimum lot width; 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. 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-04-46(P) for the property described in Exhibit "A" is hereby amended and restated subject to the following stipulations:

STIPULATIONS

1. A 6-foot high solid decorative wall or fence, with stucco and painted finish, shall be provided along the south and east property lines, or at the applicants option to be approved at Final Site Plan, a 6' high solid wall or fence within a recorded easement on the adjacent mobile home park property, provided that the easement shall authorize and require the applicant to provide for the maintenance of the fence or wall the easement area and drainage features located therein. All required landscaping shall be placed on the outside of the wall. If the fence is on the adjoining mobile home park the material used may be a woven wire fence with PVC coating if approved by the mobile home park association, following presentation of the options to the satisfaction of the Planning Director.
2. All on-site lighting shall comply with Section 709 of the Land Development Code. In addition, pole and building mounted lights shall be limited to 16' in height.
3. The roadway buffer shall include a 5 foot high berm with a 6 foot high wall on top and 7 trees per 100 linear feet with alternating canopy and understory trees. The greenbelt buffers shall include 7 trees per 100 linear feet, all with alternating canopy and understory trees.
4. Existing native, desirable trees within the Greenbelt Buffers shall not be disturbed by development activities unless otherwise approved by the Planning Department. Prior to Final Site Plan approval, cross-sections of the existing ditch within the Greenbelt Buffer in relation to existing trees and proposed plantings shall be provided for review. All trees to be removed in this project must be replaced in accordance with Section 714.8.7 of the LDC.
5. Existing trees designated to remain shall have protective barricades installed prior to commencement of construction. Tree protection barriers will consist of new or used chainlink fence (minimum 5' height) and will be located at the tree dripline unless otherwise approved by the Planning Department.
6. An ERP approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.

7. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project, including on individual lots. Prior to Final Site Plan approval applicant shall specify source of irrigation on site plan.
8. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
9. All wells discovered during land clearing shall be protected or abandoned in accordance with SWFWMD Rule Chapter 40D.
10. 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 the Pearce Drain/Gap Creek. Modeling shall be used to determine pre- and post-development flows.
11. The Drainage Model and Construction Plans shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
12. The design of the residences shall be in substantial conformance with the renderings entered into the record for this case.
13. A commercial grade tot lot with shade trees and picnic benches shall be provided adjacent to the recreation center. Details of this facility shall be shown with the Final Site Plan.
14. The recreation center shall be in substantial conformance with the renderings entered into the record. Details of this area shall be shown on the Final Site Plan.
15. This project may have 2 signs; both on the west side of the entrance, as shown on the landscape plan.
16. The Notice to Buyers shall inform buyers that the CDD roads are open to public use even if gated.
17. A second means of access (street), subject to FDOT approval, shall be provided on S.R. 70. the access shall be limited to right-turn in and out only, in compliance with Section 907.9.2.3 of the Land Development Code, and may be gated. This shall be shown and approved on the Final Site Plan.
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. Landscaping, air conditioner units, heat pumps, pumps, or other accessory structures shall not be installed within the side yard Drainage Easement between each residence.

20. The bottom of fences along or within Drainage Easements shall be elevated above grade to allow the free flow of drainage.
21. Roof gutters shall be required on the overhang(s) of both building sides. Roof gutters shall drain directly into the property line swale or a piped yard drainage system, where landscaping is in conflict, that connects to a stormwater management facility for the project.
The roof overhang(s), exclusive of gutter, shall not exceed six (6) inches. No structure shall encroach beyond any lot line.
22. Roof gutters shall be required on the overhang(s) of the building sides that face the property line with the one foot setback. Roof gutters shall drain directly into a piped yard drainage system that connects to a stormwater management facility for the project.

The roof overhang(s), exclusive of gutter, shall not exceed six (6) inches along the building sides that face the property line with the one foot setback. No structure shall encroach beyond any lot line.
23. All dwellings and garages shall utilize turn down slab with 24" form board construction.
24. All dwellings and garages shall utilize stem wall construction.
25. The single-family detached residences shall be built and graded in clusters.
26. 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.
27. All dwellings shall have a garage to accommodate at least one car.
28. At time of application for Final Site Plan approval, the applicant shall designate lots for either single-family attached or single family detached.
29. 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".

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project exceeding a gross density of 6 dwelling units per acre in the RES-9 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. 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: *Cory Stein*
Chairman

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

BY: *Austen Shore*
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION.

THAT PART OF THE NE ¼ OF THE NE ¼ OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, LYING SOUTH OF ONECO-ARCADIA ROAD LYING AND BEING IN MANATEE COUNTY, FLORIDA.

LESS ROAD RIGHT-OF-WAY:

ALSO LESS: COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SAID NORTHEAST ¼ OF SECTION 16; THENCE ALONG THE WEST LINE OF NORTHEAST ¼ OF SAID NORTHEAST ¼, SOUTH 00° 21' 13" WEST, 387.17 FEET TO THE SOUTH EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 70 (PER 1316-101) FOR A POINT OF BEGINNING; THENCE ALONG SAID SOUTH EXISTING RIGHT-OF-WAY LINE THE FOLLOWING COURSES: SOUTH 89° 48' 01" EAST, 1,043.17 FEET; SOUTH 00° 11' 59" EAST, 5.00 FEET; SOUTH 89° 48' 01" EAST, 73.34 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 11,509.16 FEET, A CENTRAL ANGLE OF 01° 02' 03.2", AN ARC LENGTH OF 207.75 FEET, THE CHORD FOR WHICH BEARS NORTH 89° 40' 57" EAST TO THE EAST BOUNDARY OF SAID SECTION 16 AND TO THE END OF SAID CURVE; THENCE ALONG SAID EAST BOUNDARY SOUTH 00° 24' 04" WEST, 12.66 FEET; THENCE SOUTH 87° 56' 12" WEST, 436.19 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,530.16 FEET, A CENTRAL ANGLE OF 01° 01' 33", AN ARC LENGTH OF 206.45 FEET, THE CHORD FOR WHICH BEARS SOUTH 88° 26' 59" WEST TO THE END OF SAID CURVE; THENCE NORTH 01° 02' 15" WEST, 10.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,520.16 FEET, A CENTRAL ANGLE OF 01° 14' 14", AN ARC LENGTH OF 248.74 FEET, THE CHORD FOR WHICH BEARS SOUTH 89° 34' 52" WEST TO THE END OF SAID CURVE; THENCE NORTH 89° 48' 01" WEST, 413.17 FEET; THENCE SOUTH 00° 11' 59" WEST, 10.00 FEET; THENCE NORTH 89° 48' 01" WEST, 20.00 FEET TO THE WEST LINE OF THE NORTHEAST ¼ OF SAID NORTHEAST ¼; THENCE ALONG SAID WEST LINE NORTH 00° 21' 13" EAST, 42.00 FEET TO THE POINT OF BEGINNING.



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 19TH 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

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>

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