

**MANATEE COUNTY ORDINANCE
PDR-14-14(P) – SUMMER WOODS (DTS #20140052)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, PROVIDING FOR AN APPROVAL OF A PRELIMINARY SITE PLAN FOR 562 SINGLE FAMILY UNITS (376 SINGLE-FAMILY DETACHED, AND 186 SINGLE-FAMILY SEMI-DETACHED) ON APPROXIMATELY 268.14 ± ACRES, ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL), LOCATED SOUTH OF MOCCASIN WALLOW ROAD AND WEST OF U.S. 301 N. IN MANATEE COUNTY; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Neal Communities of Southwest Florida, LLC (the “Applicant”) filed an application for a Preliminary Site Plan for 562 single family units (376 single-family detached, and 186 single-family semi-detached) on approximately 268.14± acres zoned PDR (Planned Development Residential) described in Exhibit “A”, attached hereto, (the “Property”) and

WHEREAS, the applicant also filed a request for Special Approval for: 1) a project for which gross residential density exceeds one dwelling unit per acre (Comprehensive Plan Policy 2.2.1.11.4); and 2) a project adjacent to a perennial lake or stream (Comprehensive Plan Policy 3.2.2.1); and

WHEREAS, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Sections 604.10.3.3(k) (to allow a smaller building setback for buildings, swimming pools, pool cages or other structures that could potentially conflict with buffer vegetation when adjacent to roadway and greenbelt buffers); Section 714.8.7 (to allow the installation of smaller diameter trees) and Section 715.3.4 (to allow one canopy tree per lot frontage instead of one tree per 50 linear feet);, and

WHEREAS, the Building and Development Services Department staff recommended approval of the Preliminary Site Plan, Special Approval and Specific 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 August 14, 2014 to consider the 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 Preliminary Site Plan, Special Approval and Specific Approval applications consistent with the Manatee County Comprehensive Plan, and the Manatee County Land Development Code, recommended approval 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, Special Approval and Specific Approval as it relates to the real property described in Exhibit “A” of this Ordinance.
- B. The Board of County Commissioners held duly a noticed public hearing on September 4, 2014 regarding the proposed amended Ordinance described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at the public hearing.
- C. The proposed revised Ordinance regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan.
- D. The Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed 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 604.10.3.3.(k), the Board finds that the purpose of the LDC regulations is satisfied to an equivalent degree, as providing a wider roadway and greenbelt buffer in the location of the reduction of the setback and the stipulation provided will require planting of the trees with enough separation and from rear lot lines to allow for no conflicts within the adjacent lots, between tree canopies and structures at the reduced setback distance.
- F. Notwithstanding the failure of this plan to comply with the requirements of Section 714.8.7 of the Land Development Code, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by the proposed design, because the required number of trees and canopy will be provided.
- G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.4. the Board Finds that the purpose of the LDC regulation is satisfied to an equivalent degree, as providing less trees will prevent future removal to prevent conflicts with infrastructure.

Section 2. PRELIMINARY SITE PLAN. The revised Preliminary Site Plan is hereby approved for 562 single family units (376 single-family detached, and 186 single-family semi-detached) subject to the following Stipulations:

STIPULATIONS

A. INFRASTRUCTURE CONDITIONS:

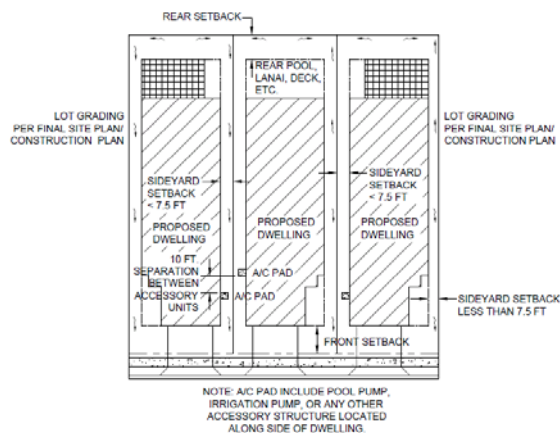
1. The project will be required to connect to Central Potable Water and Sanitary Sewer at the developer's expense.
2. The sewer and reclaim tie-in points and transmission lines shall be in accordance with the current version of the applicable master plan for that system.
3. The locations of the potable water and wastewater facilities shown on the Preliminary Site Plan are considered to be conceptual only. The actual locations of these facilities shall be finalized during the Construction Plan review process.

B. STORMWATER CONDITIONS:

1. The applicant is hereby noticed that all building construction will be reviewed based on a delineation of the floodplain, as shown on the 2014 FIRM. If the applicant proposes to formally revise the 100-year floodplain, a Letter of Map Revision (OMR) must be approved by FEMA prior to Final Site Plan approval.
2. All fill within the 100-year floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. The 100-year 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 one of the following:
 - The available storage volume above the 25-year Design High Water Level of any proposed compensation requirement; or
 - Provide a stormwater routing model that utilizes reverse flow into the on-site lakes during a 100-year, 24-hour storm event. The volume of stormwater that backfeeds into the on-site lakes will be credited as floodplain compensation volume; or
 - Provide a stormwater routing model which utilizes adopted watershed studies to demonstrate, in post-development condition, that no adverse impacts are created within the watershed with respect to flood stages, volume, or flow rates associated with the 100-year storm event.
3. The Engineer of Record will have the option of submitting a watershed analysis that would demonstrate an alternative stormwater design that would create no adverse impacts to the watershed with respect to staging and flow rates; or the Engineer of Record shall demonstrate, through modeling, a 50% peak rate reduction for the project.
 - If the watershed approach is utilized, it shall utilize the Buffalo Canal Watershed Study to create and analyze pre- versus post-development condition;
 - If the EOR chooses the peak rate reduction option, the reduction shall only apply to the internal subdivision roadway system and the residential lots. Over-attenuation is not required on open-space areas, upland preservation areas, wetlands and their

buffers, and landscape buffers. Attenuation is not required on the stormwater flows that discharge onto and through this property from adjacent roadways, subdivisions, and properties.

4. 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) foot 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 responsible only for maintaining the free flow of drainage through these systems.
5. 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) foot 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 responsible only for maintaining the free flow of drainage through these systems.
6. Ten (10) feet separation shall be provided between accessory structures (i.e., Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of less than 7.5 feet.



C. ENVIRONMENTAL CONDITIONS:

1. For landscape buffers adjacent to residential units, canopy trees shall be planted midway from the edge of the buffer (i.e. 10' in a 20' buffer or 25' in a 50' buffer). Understory or columnar form trees may be planted within 15' of an accessory structure if, at time of Final Site Plan, it is determined that the species utilized are likely to minimize conflicts

with accessory structures.

2. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to Manatee County prior to or concurrent with Final Plat approval.
3. The development shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or federal agency, shall be provided to the Environmental Planning Section of Building and Development Services for any listed species found on-site, prior to Final Site Plan approval.
4. No lots shall be platted through post-development wetlands, wetland buffers, or upland preservation areas.
5. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing);
 - GPS coordinates (latitude/longitude) of the well;
 - The methodology used to secure the well during construction (e.g., fence, tape); and
 - 1. The final disposition of the well – used, capped, or plugged.
6. The project shall be in compliance with the landscaping requirements of the North Central Overlay district, with the exception of any Specific Approvals granted with this project. This shall be demonstrated with the Final Site Plan.

D. PUBLIC WORKS

1. Construct an eastbound (EB) right-turn lane (queue length 230 feet + 185 feet deceleration & taper) at Moccasin Wallow Road and the main project driveway.
2. Construct a westbound (WB) left-turn lane (queue length 300 feet + 1856 feet deceleration and taper) at Moccasin Wallow Road and the main project driveway.

E. NOTICES

1. A Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, in a separate addendum to the sales contract, and in the Final Site. The Notice to Buyers shall include language informing prospective home buyers of the following:
 - a. The potential uses associated with adjacent agriculture zoning may have a negative impact on residences (e.g., noise and odor); and
 - b. Portions of the site are in the 100- and 25-year floodplains.

Section 3. 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, sentence, 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 4. 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 5. STATE AND FEDERAL PERMITTING. The issuance of this local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 5. 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 September, 2014.

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

**BY: _____
Larry Bustle, 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.