

**MANATEE COUNTY ORDINANCE**  
**PDR-14-11(P) – MAGNOLIA RIDGE AT MOTE RANCH (DTS #20140113)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 14 RESIDENTIAL LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES ON APPROXIMATELY 8.96 ACRES ZONED PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY). THE SITE IS ON THE SOUTH SIDE OF HONORE AVENUE, APPROXIMATELY ONE MILE EAST OF LOCKWOOD RIDGE ROAD, AT 6375 OLD FARM ROAD, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Sandra S. Rinehart (the “Applicant”) filed an application for a Preliminary Site Plan for 14 residential lots for single-family detached residences on approximately 8.96 acres zoned PDR/WP-E/ST (Planned Development Residential/Watershed Protection/Special Treatment Overlay) described in Exhibit “A”, attached hereto, (the “Property”) and

**WHEREAS**, the applicant also filed a request for Special Approval for a project: 1) within the Watershed Protection Evers Overlay District, 2) within the Special Treatment Overlay District, 3) adjacent to a perennial stream, and 4) with habitable structures located within the 25-year floodplain; and

**WHEREAS**, the applicant also filed a request for Specific Approval of an alternative to Land Development Code Sections 714.8.7, 715.3.4, 715.3.2.1, and 907.7.3 of the Land Development Code; 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 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be provided.
- F. 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 fewer trees will prevent future removal to prevent conflicts with infrastructure.
- G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree, as the same amount of landscaping material will be provided in the buffer to meet the intent of this section.
- H. Notwithstanding the failure of this plan to comply with the requirements of Section 907.7.3 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 lot shapes for Lots 7, 8, 9, and 10, because all requirements for the placement of driveways, utilities, and housing will work from a design standpoint.

**Section 2. PRELIMINARY SITE PLAN.** The revised Preliminary Site Plan is hereby approved for 14 residential lots for single-family detached residences subject to the following Stipulations:

## **STIPULATIONS**

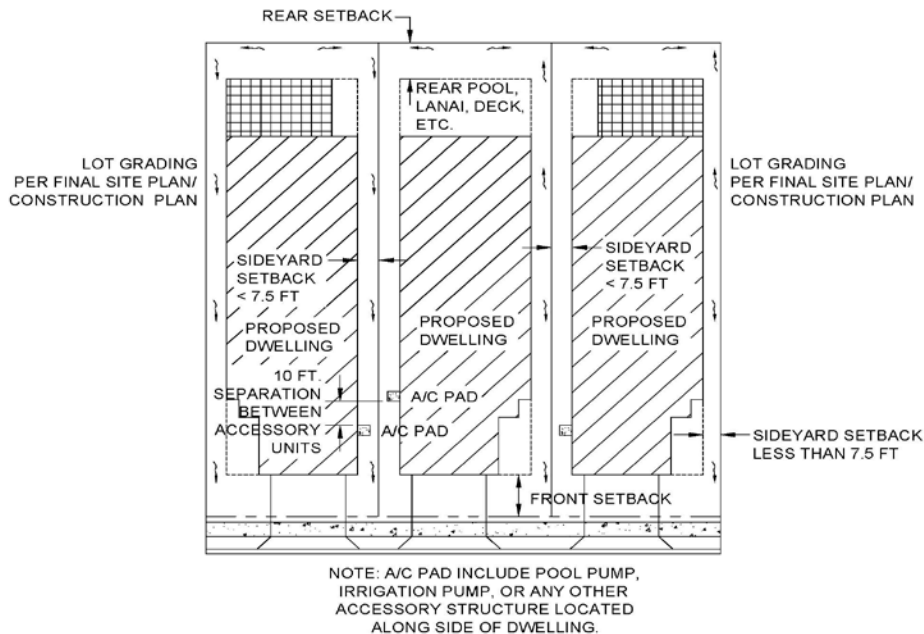
### **A. DESIGN AND LAND USE CONDITIONS:**

1. Walls or fences within the roadway or perimeter buffers shall be measured from the finished grade of the adjacent roadway or lot (exclusive of any swales), whichever elevation is greater. This requirement shall be verified with a cross-section detail on Final Site Plan.
2. No lots shall be platted through any greenbelts, landscape buffers, retention ponds, wetland, or wetland buffer.
3. All other applicable state permits shall be obtained before commencement of the development.
4. Prior to Final Site Plan Approval, the applicant shall submit to the Public Safety Department's Emergency Management Division a Hurricane Evacuation and Disaster Plan.

### **B. STORMWATER CONDITIONS:**

1. The applicant shall obtain an Environmental Resource Permit modification to identify the proposed Homeowner's Association as the maintenance entity for the existing retention ponds along the south side of Honore Avenue and along the northern boundary of this project. The applicant shall provide, in conjunction with the initial Final Plat submittal, a Maintenance Agreement between the Homeowner's Association and Manatee County for the Homeowner's Association to claim maintenance responsibility of the retention ponds. The applicant shall also dedicate a Perpetual Public Drainage Easement for the retention pond facility and associated outfall drainage system located within the project boundaries. The Notice to Buyers shall identify the HOA as the operations and maintenance entity responsible for routine maintenance, inspection, and certification of the existing retention ponds.
2. 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 25% peak rate reduction for the project.
  - If the watershed approach is utilized, it shall utilize the Braden River/Rattlesnake Slough 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.

3. This project shall be required to provide 150% water quality treatment for Braden River/Evers Watershed Protection Overlay.
4. A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of Rattlesnake Slough. Any existing or proposed structures within the floodway shall be modeled.
5. 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 either:
  - 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 Rattlesnake Slough 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 the adopted Braden River Watershed Study 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.
6. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Rattlesnake Slough within the project boundaries. Manatee County is only responsible for maintaining the free flow of drainage through this system.
7. There shall be a minimum of ten (10) foot separation between accessory equipment and structures alongside adjoining houses with 5 foot side yard setbacks.



**C. ENVIRONMENTAL CONDITIONS:**

1. Prior to Final Site Plan approval the applicant shall provide a Wetland Buffer Restoration/Planting Plan for wetland buffers and wetland buffer impact compensation areas, to be reviewed and approved by Environmental Planning.
2. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.
3. The developer 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 Planning Department for any listed species found on-site, prior to Final Site Plan approval.
4. 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.

5. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
6. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
7. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County 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).
  - The final disposition of the well - used, capped, or plugged.
8. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited. Comprehensive Plan Policy 3.2.1.8 prohibits the use of treated effluent within the WO Overlay District.

**D. 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 the following:
  - a. Planned thoroughfare adjacent to the project (i.e. Honore Avenue, an existing arterial that is planned to be a 120-foot wide four-lane arterial roadway).
  - b. Potential noise associated with the planned roadways.
  - c. Manatee County has no obligation relative to Rattlesnake Slough to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of the Rattlesnake Slough stream bed.
  - d. The Homeowner's Association is the operations and maintenance entity responsible for routine maintenance, inspection, and certification of the existing retention ponds.
  - e. The site is in the pre-development 100-year floodplain and partially in the 25-year floodplain and may be subject to flooding. Proposed subdivided lots are to be graded such that residences will be located outside of the post-development 100-year and 25-year floodplains.
  - f. The site is within the Coastal Planning Area.
  - g. A Hurricane Evacuation and Disaster Plan has been submitted to the Emergency Management Division of the Public Safety Department for this project. You are advised to obtain a copy of "All-Hazard Guide", Red Cross brochure "Your Family Disaster Plan", and Evacuation Zone Map.

**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 4<sup>th</sup> 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**

MOTE RANCH  
NORTHWEST  
PARCEL

LEGAL DESCRIPTION (AS FURNISHED):

FROM THE NORTHWEST CORNER OF THE S.E. ¼ OF SECTION 22, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S00°03'39" E ALONG THE WEST LINE OF SAID S.E. ¼, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING; THENCE S 89°54'13" E A DISTANCE OF 639.47 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 640.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°52'31", A DISTANCE OF 244.35 FEET TO THE END OF A SAID CURVE; THENCE S 53°30'00"W, A DISTANCE OF 394.30 FEET; THENCE S 27°30'00"W, A DISTANCE OF 306.19 FEET; THENCE S 51°00'00"W, A DISTANCE OF 319.66 FEET; THENCE N 60°00'00"W, A DISTANCE OF 196.74 FEET TO THE WEST LINE OF THE S.E. ¼; OF AFORESAID SECTION 22; THENCE N 00°03'39"W ALONG SAID WEST LINE, A DISTANCE OF 656.49 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 22, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS  
OF RECORD.

CONTAINING 8.96 ACRES, MORE OR LESS.