

MANATEE COUNTY ORDINANCE
PDR-18-20(G) – MAPLE RIDGE SUBDIVISION/SFPRS AVIGNON, INC. (OWNER)
(PLN1809-0148)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR A SINGLE FAMILY RESIDENTIAL DEVELOPMENT OF APPROXIMATELY 221± RESIDENTIAL UNITS WITH AT LEAST 25% OF THE UNITS DESIGNATED AS AFFORDABLE HOUSING; THE APPROXIMATELY 56.09± ACRES IS ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND IS GENERALLY LOCATED AT THE NORTHEAST CORNER OF 24TH AVENUE EAST AND 29TH STREET EAST AND COMMONLY KNOWN AS 3318 24TH AVENUE EAST, PALMETTO (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, SFPRS Avignon, Inc. (the “Applicant”) filed an application for a General Development Plan for a single family residential development of approximately 221± residential units with at least 25% of the units designated as affordable housing on approximately 56.09± acres as described in Exhibit “A”, attached hereto, (the “Property”); and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections 402.7.D.1 (A reduced roadway buffer from 20 feet to 10-14 feet), 402.7.D.7 (Reduction in front-yard setback requirements from 25 feet to 23 feet), and 1001.6.A.1.c.1 (Reduction in required sidewalks from both sides of the internal streets to one side of some internal streets); and

WHEREAS, the Building and Development Services Department staff recommended approval of the General Development Plan 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 April 11, 2019 to consider the General Development Plan 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 and Special 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 General Development Plan and Specific Approval 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 May 2, 2019 regarding the proposed 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 Ordinance regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan.
- D. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 402.7.D.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree because the same amount of screening will be provided in the narrower roadway.
- E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.6.A.1.c.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree because the proposed sidewalk network meets the intent of providing for safe pedestrian travel.
- F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 402.7.D.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because adequate separation from the garage to the internal edge of the sidewalk will be provided to promote safe pedestrian movements and avoiding potential obstruction along sidewalks.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a single family residential development of approximately 221± residential units with at least 25% of the units designated as affordable housing, subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE

- 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 Plan. The Notice to Buyers shall include language informing prospective home buyers of the following:
 - a. The presence of active agricultural uses in the nearby area and their potential impacts (noise and odor).

2. The Applicant shall enter into a land use and deed restriction agreement with the County to provide for the designated number of affordable housing units in accordance with Section 545.2, Land Development Code.”
3. Any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
4. All other applicable state or federal permits shall be obtained before commencement of the development
5. A minimum of a two (2) foot separation from the internal edge of the sidewalk to the property line will be present to ensure a twenty-five (25) foot separation between the sidewalk and the garage.

B. ENVIRONMENTAL

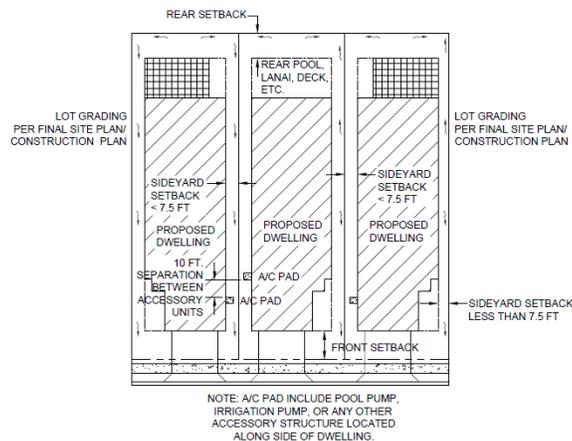
1. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the ERS for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
 - Digital photographs 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.
2. 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.
3. The project shall not impact the 2.21 acre forested wetland.

C. STORMWATER

1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the subsequent Final Site Plan and Construction Plan submittal(s) and associated Drainage Modeling shall demonstrate that

no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the County 25-year floodplain, the calculated 100-year floodplain, and post-development discharge of runoff.

2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Big Chimney Drain Watershed.
3. All fill within the County 25-year floodplain and the calculated 100-Year floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 25-year and 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
4. All habitable structures shall be located outside of the calculated post-development 25-year floodplain. The calculated post-development 25-year floodplain shall to be shown on the Final Site Plan and Construction Plan submittals.
5. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Big Chimney Drain and tributary systems that are to remain onsite. In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided from the top of bank along Big Chimney Drain and tributary systems. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
6. There shall be a minimum of ten (10) foot separation between accessory equipment and structures alongside adjoining houses with 5-foot side yard setbacks.



D. INFRASTRUCTURE

1. Connection to the County wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with

the County's Wastewater System Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by the County Engineer through the construction plans review process for the project.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections 402.7.D.1 (A reduced roadway buffer from 20 feet to 10-14 feet), 402.7.D.7 (Reduction in front-yard setback requirements from 25 feet to 23 feet), and 1001.6.A.1.c.1 (Reduction in required sidewalks from both sides of the internal streets to one side of some internal streets).

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 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 5. REPEAL OF ORDINANCES IN CONFLICT. All ordinances in conflict with this Ordinance hereby adopted are hereby repealed to the extent of any such conflict.

Section 6. 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 7. 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 8. 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 2nd day of May 2019.

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

**BY: _____
Stephen R. Jonsson, Chairman**

**ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court**

**BY: _____
Deputy Clerk**

EXHIBIT "A"
LEGAL DESCRIPTION

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 7, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS RAILROAD AND LESS LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1250, PAGE 737, OFFICIAL RECORDS BOOK 1281, PAGE 379, AND OFFICIAL RECORDS BOOK 1579, PAGE 3359, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LOT 15, PATTEN'S SUBDIVISION, OF SECTIONS 7 AND 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO A STRIP OF LAND 1.13 CHAINS WIDE OFF THE EAST SIDE OF LOT 16 OF SAID PATTEN'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 136, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LOT 16, LESS 1.13 CHAINS OFF EAST SIDE, PATTEN'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 136, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING AND BEING IN SECTION 7, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.