

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-01-07(Z)(P) - RICHARD CONARD/OAK HAVEN

2002 JUN 17 AM 8:36

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01 (THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 46 LOTS FOR SINGLE-FAMILY DETACHED HOMES, AND GRANTING SPECIAL APPROVAL FOR A PROJECT EXCEEDING 4.5 DWELLING UNIT PER GROSS ACRE IN THE RES-6 FUTURE LAND USE CATEGORY.

CLERK OF THE COUNTY COURT
MANATEE COUNTY, FLORIDA

2002 JUN 15 PM 3:21

FILED

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said 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 Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on November 27, 2001 regarding said proposed Official Zoning Atlas Amendment 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 said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow 46 lots for single-family detached homes subject to the following stipulations and specific approvals:

STIPULATIONS

1. The Final Site Plan shall provide the following:
 - a.) The landscape buffer along 27th Street East and 30th Street East shall be a minimum of 20' wide and shall be planted with one row of canopy trees of 3" caliper and at least 12 feet in height, 25' on center with the required hedge. Native tree groupings and vegetation within the buffer may be used to fulfill this requirement.

THIS IS A CORRECTIVE DOCUMENT

- b.) A 20' green belt buffer shall be provided along the entire north property line. A 15' green belt buffer shall be provided along the south property line. Both buffers shall include a row of canopy trees of 3" caliper and at least 12' in height, 30' on-center. Native tree groupings and vegetation shall be preserved within the buffer, which may be used to fulfill this requirement. At time of Final Site Plan, the developer shall identify and facilitate the preservation of as many of these trees as possible.

2. Required setbacks:

Front:	20'
Side:	8'
Rear:	15'

- 3. The tot lot shall include a grass play area, a commercial grade tot lot, and picnic benches to be approved with the Final Site Plan.
- 4. The picnic area shown within the right-of-way is not allowed.
- 5. The Final Plat shall include a 5' wide non-vehicular ingress/egress easement along 27th Street East except in the area of the proposed entrance roadway.
- 6. Prior to Final Plat approval, the following site related improvements are required:
 - a. A non-mountable traffic separator curb shall be installed between the lanes in 27th Street East for the frontage of the subject property to prevent southbound left turns into the project. The project shall be restricted to a right-in and right-out only from 27th Street East.
 - b. A 5' sidewalk must be installed on 27th Street East and the south side of the internal street.
 - c. A 35' radius is required at the project entrance.
- 7. The maximum height of the single-family homes shall be 22'.
- 8. Each home site shall provide a 16' wide paved driveway.
- 9. All homes shall have a back door at the rear of the structure.
- 10. Minimum Lot width shall be 50'.
- 11. The Homeowner's documents, Notice-To-Buyers, and Final Site Plan(s) shall include language to inform homeowners of the presence of neighboring industrial uses, including the possible truck traffic and noises associated with industrial uses.

12. The hammerhead turnaround shall be approved by the Transportation Department and Fire District with the Final Site Plan and shown on the Construction Plans. Parking shall be prohibited at all times in the hammerhead turnaround area. The Homeowner's documents, Notice-To-Buyers, and Final Site Plan shall include language to inform homeowners that parking is prohibited. Additionally, "no parking anytime" signs shall be erected by the developer in this area.
13. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
14. A management plan for the removal and of nuisance and exotic plant species, including monitoring and maintenance shall be developed by the applicant and approved by the EMD prior to Final Site Plan approval.
15. Stemwall construction shall be required within this development to minimize the amount of fill required for slab construction and to reduce impacts to existing trees.
16. No burning permits shall be issued until Final Site Plan/Construction Plans are approved.
17. The boundaries of the wetland buffers shall be marked with signs indicating that this is a wetland protection area. The number and location of such signs shall be approved by the Environmental Management Department with Final Site Plan approval.
18. Land clearing shall not commence until Final Site Plan and Construction Plans have been approved. Construction Plans shall show the type and location of trees, and native vegetation within six feet of, or within the limits of clearing; the type and approximate location of other trees more than four inches DBH.
19. Final engineering drainage design must be approved prior to Final Site Plan approval.
20. Prior to Final Site Plan approval, the engineer of record or architect must provide documentation to prove that concurrency has been met relative to fire flow.
21. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for emergency shelter facilities shall be required if such impact fee is adopted by the Board of County Commissioners.
22. If required by the Comprehensive Plan, prior to Final Site Plan Approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. The Homeowner's Association shall ensure that all subsequent purchasers receive copies of these documents.
23. Tree replacement shall be limited to the following parameters: (1) the required number of trees for the greenbelt and (2) the required number of trees for street trees. Existing trees of sufficient size within these areas shall be saved to the extent possible and utilized in the

calculation. The number of trees removed beyond the amounts as listed above shall not require replacement, upon payment of \$10,000 to the Tree Trust Fund.

24. Up until 45 days from construction plan approval the Developer shall permit the County or other non-profit organization or municipality to relocate and transplant trees identified for removal from the site.
25. The Developer shall install an off-site sidewalk along the east side of 27th Street East from the northern property line to the existing sidewalk at 26th Avenue East. Such improvements shall be impact fee creditable.
26. Prior to Final Site Plan/Construction Drawing approval a Land Use Restriction Agreement guaranteeing the affordability of the project shall be executed by the applicant and the County.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 714.8.7 of the Manatee County Land Development Code to allow a reduction in the amount of the required tree replacement.
2. Specific Approval of an alternative to Section 907.9.4.2 of the Manatee County Land Development Code to allow a cul-de-sac longer than 800 feet in length.
3. Specific Approval of an alternative to Section 907.9.2.3 of the Manatee County Land Development Code to allow an intersection separation of 160 feet at 27th Street East and 30th Avenue East.

Section 4. LEGAL DESCRIPTION.

LOTS 9 AND 10 AND NORTH 10 FEET LOT 11 AND 12, FAIR OAKS SUBDIVISION

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 27th day of November, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Greg Stein*
Chairman 5/28/02

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

Bil Susan Blomere



THIS IS A CORRECTIVE DOCUMENT



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 29th day of May 2002.

R.B. SHORE
Clerk of Circuit Court

By: *Diane E Vollmer*

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
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Historic Tampa/Hillsborough County
Preservation Board
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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

June 12, 2002

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 29, 2002 and certified copy of Manatee County Ordinance No. PDR-01-07(Z)(P), which was filed in this office on June 5, 2002.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD
R. B. SHORE
2002 JUN 17 AM 8:35
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA