

2003 NOV 13 AM 11:12

MANATEE COUNTY ZONING ORDINANCE  
PDR-03-15(Z)(P) - NEEDHAM JONES/THE NURSERY SUBDIVISION

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
2003 NOV - 5 AM 11:04

FILED

CLERK OF THE COUNTY COURT  
MANATEE CO., FLORIDA

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 13 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES..

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 October 28, 2003 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 13 lots for single-family detached residences with the following stipulations and Specific Approvals:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. No lots shall be platted thru any greenbelt, landscape buffer, retention pond, or drainage easement.
2. If a fence is utilized for any of the landscape buffers, all required landscaping shall be planted on the exterior side of the fence.

3. No detention or retention ponds shall be constructed within the landscape buffers or greenbelts.
4. A 15 foot wide landscape buffer shall be provided from 17<sup>th</sup> Avenue NW, along both sides of the entrance, to Lots 1 and 13, extending along the north side of Lot 13 to the east boundary line of the subdivision. This buffer shall include a 6 foot high opaque fence or decorative wall and be planted with one row of canopy trees (2 ½ " caliper, 12' in height, with a 4' spread) off-set 25' on-center with a hedge. Existing vegetation fulfilling the requirements of this stipulation may be used to satisfy this requirement.
5. A 5' wide mulched walkway or a boardwalk shall be provided to and around the proposed lake (Tract C as identified on the PSP) beginning from the terminus of the cul-de-sac and extending around the lake. The walkway shall be a separate tract (not an easement) and connect to the street. The specific location shall be shown on the Final Site Plan and approved by the Planning Department prior to Final Site Plan approval.
6. Street lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures. Use of decorative street lights or house lights may be permitted.
7. A 5 foot sidewalk shall be provided along the property frontage along 17<sup>th</sup> Avenue NW.
8. The Notice to Buyers and Final Site Plan(s) shall include language informing prospective home buyers of the following:
  - The location of the 100-year floodplain,
  - The location of the recreational trail,
  - The Integrated Pest Management Plan (IPM) submitted and approved by EMD, and;
  - The Hurricane Evacuation Plan approved by Public Safety.

**B. ENVIRONMENTAL CONDITIONS:**

1. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Final Subdivision Plat approval, in accordance with Section 715.4 of the LDC.
2. Unless otherwise approved by EMD, native, xeriscape, or drought tolerant landscape materials shall be utilized in common areas. In addition the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
3. Erosion and Sediment Control (ESC) measures are required by Sections 717.3.17 and 717.4.2.7 of the LDC. Locations, details, or notes for ESC must be submitted to EMD for review, prior to Final Site Plan approval.
4. SWFWMD Rule Chapter 40D-3.531 requires the proper abandonment of all unused wells.

A Water Use Permit (WUP) is required for individual or clusters of wells within the Most Impacted Area (MIA) with cumulative o.d. of 6" or greater. If applicable, a copy of all WUPs must be submitted to the EMD Water Well Permitting Program.

Existing wells shall be kept in a watertight manner and be protected during all construction activities.

5. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans or Construction Plans are approved.
6. Land clearing, tree removal, or grading shall not commence until a Final Site Plan and Construction Drawings have been approved for this project.
7. To the maximum extent possible, existing indigenous vegetation shall remain within the required landscape buffers and be utilized to meet the buffering and screening requirements.

C. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:

1. Prior to Final Site Plan Approval, the applicant shall obtain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety.
2. The applicant and its heirs, assigns, or transferees, are hereby notified that a payment of an impact fee or special assessment for emergency shelter facilities shall be required if such a fee is imposed by the Board of County Commissioners prior to Certificate of Occupancy.

D. INFRASTRUCTURE CONDITIONS:

1. Prior to Final Site Plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow per Comprehensive Plan Policy 9.6.1.4.
2. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
3. The applicant shall install dry lines for hook-up to future reclaimed water lines and shall be provided for the entire subdivision, for both common area irrigation and single lot irrigation. At such time that reclaimed water becomes available for the project, use of stormwater or groundwater for irrigation shall be discontinued.
4. A twenty (20) foot wide drainage access easement shall be provided to the proposed retention pond.
5. The developer's Engineer of Record shall provide lift station calculations along with Construction Plans for the development. The Engineer of Record shall ensure that the development does not adversely impact the downstream wastewater system.

E. FLOODPLAIN MANAGEMENT AND DRAINAGE CONDITIONS:

1. Any structure which is to be built within the 100-year floodplain must submit a Floodplain Management Permit and a sealed survey, which includes the following information: identification of the FIRM Panel, Flood Zone(s), Base Flood Elevation(s), and existing grade for the property, with the building permit application.
2. Note #17 on the Preliminary Site Plan shall be changed to eliminate "Drainage Facilities" from the infrastructure to be dedicated to Manatee County for perpetual maintenance.

SPECIFIC APPROVALS

1. Specific Approval of an alternative to Section 907.9.1.3 of the Land Development Code to delete the requirement for interneighborhood ties.
2. Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code to allow a cul-de-sac 1,043 feet in length.
3. Specific Approval of an alternative to Section 603.7.4.6 of the Land Development Code to delete the requirement for interneighborhood ties.

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.

Section 4. LEGAL DESCRIPTION.

COMMENCE AT A RAILROAD SPIKE, MARKING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 16 EAST; THENCE S 00° 03' 19" W, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 30.00 FT. TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF 17<sup>TH</sup> AVENUE NORTHWEST FOR A POINT OF BEGINNING; THENCE CONTINUE S 00° 03' 19" W, ALONG SAID WEST LINE, A DISTANCE OF 1306.64 FT. TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S 89° 44' 24" E, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 330.25 FT. TO THE SOUTHEAST CORNER OF THE WEST QUARTER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE N 00° 04' 02" E, ALONG THE EAST LINE OF THE WEST QUARTER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 872.45 FT.; THENCE N 89° 28' 50" W. PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF SAID 17<sup>TH</sup> AVENUE NORTHWEST, A DISTANCE OF 250.44 FT. TO A POINT 80.00 FT. NORMALLY DISTANT EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER OF SECTION 24; THENCE N 00° 03' 19" E, PARALLEL WITH SAID WEST LINE, A DISTANCE OF 432.69 FT. TO THE SOUTH RIGHT-OF-WAY LINE OF SAID 17<sup>TH</sup> AVENUE NORTHWEST; THENCE N 89° 28' 50" W, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 80.00 FT. TO THE POINT OF BEGINNING; BEING AND LYING IN THE WEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 7.42 ACRES

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 28<sup>th</sup> day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: [Signature]  
Chairman



ATTEST:

R. B. SHORE  
Clerk of the Circuit Court

[Signature]  
[Initials]



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 28<sup>th</sup> day of November, 2003

R. B. SHORE  
Clerk of Circuit Court

By: [Signature] D.C.



FILED FOR RECORD  
R. B. SHORE

2003 NOV 13 AM 11:10

STATE OF FLORIDA  
DEPARTMENT OF STATE

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**JEB BUSH**  
*Governor*

**GLEND A. HOOD**  
*Secretary of State*

November 6, 2003

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 November 3, 2003 and certified copies of Manatee County Ordinance Nos. PDC-03-16(Z)(G), PDR-03-01(Z)(G), Z-03-06, PDR-03-15(Z)(P) and PDR-03-04(Z)(P), which were filed in this office on November 6, 2003.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Coding Forms were not received for the above mentioned ordinances.

As requested, the date stamped originals are being returned for your records.

Sincerely,

Liz Cloud  
Program Administrator

LC/mp