

MANATEE COUNTY ZONING ORDINANCE
PDMU-01-04(Z)(P) - HARRISON RANCH

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 \pm 65.52 ACRES FROM A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) TO PDMU (PLANNED DEVELOPMENT MIXED USE); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A REVISED PRELIMINARY SITE PLAN TO ALLOW THE ADDITION OF \pm 65.52 ACRE REZONE PARCEL TO THE PREVIOUSLY APPROVED HARRISON RANCH PRELIMINARY SITE PLAN; 992 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; 176 SINGLE-FAMILY ATTACHED UNITS; AND ACCESSORY RECREATIONAL FACILITIES, AND GRANTING SPECIAL APPROVAL FOR A PROJECT: (1) EXCEEDING A GROSS DENSITY OF 1 DWELLING UNIT PER ACRE AND A NET DENSITY OF 3 DWELLING UNITS PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY; (2) WHICH IS PARTIALLY WITHIN THE 25 YEAR FLOODPLAIN, AND (3) WHICH IS ADJACENT TO A PERENNIAL STREAM.

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, 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 Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A (General Agriculture, 1 dwelling unit per 5 acres) to PDMU (Planned Development Mixed Use).

B. The Board of County Commissioners held a public hearing on July 27, 2004 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 2020 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow the addition of \pm 65.52 acre rezone parcel to the previously approved Harrison Ranch Preliminary Site Plan; 992 lots for single-family detached residences; 176 single-family attached units; and accessory recreational facilities, and GRANTING Special Approval for a project: (1) exceeding a gross density of 1 dwelling unit per acre and a net density of 3 dwelling units per acre in the UF-3 Future Land Use Category; (2) which is partially within the 25 Year Floodplain; and (3) which is adjacent to a perennial stream with the following Stipulations and Specific Approval:

STIPULATIONS

1. Land Use Restrictions
 - A. This approval does not include the Residential Support/Public Use parcel at the corner of 100th Avenue East and U.S. 301 approved with the General Development Plan. A new General Development Plan or Preliminary Site Plan for this parcel shall be submitted to the BOCC for review and approval at an advertised public hearing.
 - B. The project site may continue to be used for agricultural activities, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use.
2. Lot Size and Dimensional Standards
 - A. The minimum width for single-family detached lots shall be 55 feet.
 - B. No more than 30 percent of the single-family detached lots shall be less than 60 feet wide.
 - C. Minimum lot widths and sizes for the project shall be as shown on the Preliminary Site Plan.
 - D. All single-family residences shall contain a minimum of 1,200 square feet. All single-family attached units shall have garages and driveways of significant width to accommodate two vehicles side by side.
3. Recreation
 - A. Neighborhood Parks shown on the Preliminary Site Plan shall be developed concurrently with the platting of adjacent subdivisions. The 1.6 acre park in the neighborhood east of Harrison Ranch Boulevard shall contain a commercial grade tot lot. Each park site shall contain at least 5 shade trees in the area of pedestrian activity.
 - B. Walkways within the Conservation Area on the northern portion of the property shall be constructed by hand. No heavy equipment shall be permitted in this area.
 - C. Prior to the first Final Plat approval in Phase II, the developer shall provide a 50 foot wide public non-vehicular multi-use trail (biking, jogging, walking) in areas shown on the Preliminary Site Plan as the Nature Trail. Ditches, swales, or barriers shall not be placed within the trail area. Approximately 10 feet of the trail width shall be used to enhance the existing landscaping to provide for a 60% opaque landscape area. The trail shall remain as natural as possible to enhance the feeling of a natural rural trail.

At least 75% percent of the pedestrian trails shall be a paved or 4 inch compacted shell surface. Grassed or mulched sections shall be clearly defined, as approved by the Parks and Recreation Department.

- D Prior to the first Final Subdivision Plat approval, the Community Park shall contain a clubhouse, pool, multi-use courts, commercial grade playground equipment, trails, picnic facilities, and multi-purpose fields.

4. Roadways and Utilities

- A. The applicant shall comply with all provisions of the amended LDA-01-03.
- B. An Inter-neighborhood tie shall be provided as follows:
 - (1). A vehicular connection shall be provided to the agricultural property to the east, north of The Gardens manufactured home park, and to the west into Ancient Oaks.
- C. Prior to the first Subdivision Final Plat approval south of Slaughter Creek and west of Harrison Ranch Boulevard, the developer shall construct a new segment of a public or private street within a new 50 foot right-of-way adjacent to and east of the current 100th Avenue East right-of-way, as shown on Exhibit "A". The new street segment shall connect to 100th Avenue East south of 42nd Street East and continue north to the project boundary. The roadway base for the segment of 100th Avenue East north of 44th Street Court East shall be removed and landscaped. A landscaped median, at least 20 feet in width, consisting of canopy trees and shrubs, shall be installed and maintained by the developer between the two parallel street pavements. Canopy trees shall be planted where trees do not currently exist. Specific design shall be approved by the county. Appropriate directional signage shall be installed south of the new intersection to direct motorists to Beck Estates or Harrison Ranch.
- D. Prior to the first Subdivision Final Plat approval south of Slaughter Creek and west of Harrison Ranch Boulevard:
 - (1). A five foot wide sidewalk shall be provided along one side of 100th Avenue East from the project boundary to U.S. 301.
 - (2). 100th Avenue East shall be constructed to county standards from the project boundary to U.S. 301.
- E. All wastewater lift stations, service cleanouts, and manhole rims shall be set 12 inches above the 25-year floodplain or 4 inches above the 100 year flood elevation, whichever is higher. However, Project Management may approve service cleanouts and manhole rims installed no lower than 4" above the 25 year flood elevation. Lift stations hatches shall always be at least 4" above the 100 year elevation or 12" above the 25 year flood elevation, whichever is higher.

- F. All local roads shall be constructed so as to be above the 25 year flood elevation. The design elevation shall be coordinated with the Project Management and Transportation Departments.
 - G. Prior to the first Final Site Plan approval, a Master Water and Wastewater Plan shall be submitted and approved by the County.
 - H. The infrastructure shall be in place or secured by performance security prior to the construction of any homes within a specific site plan area, except model homes. This stipulation shall include, but is not limited to parks, roads, trails, buffer landscaping, stormwater systems, and sidewalks, etc.
 - I. Prior to the first Final Subdivision Plat approval, the applicant shall install or bond post adequate performance security for acceleration and deceleration lanes on U.S. 301, in accordance with FDOT requirements. and left turn lanes on US 301.
 - J. No vehicular tie shall be provided to 96th Avenue East in Beck Estates.
 - K. Prior to any Final subdivision Plat approval in Phase II, Harrison Ranch Boulevard shall be constructed to Erie Road.
 - L. Harrison Ranch Boulevard serves the project as a spine road collecting traffic from all portion of the development. It will be built above the one hundred year flood elevation in a manner providing evacuation routing for the development.
 - M. Four foot wide sidewalks and bike lanes shall be provided along both sides of Harrison Ranch Boulevard, simultaneously with roadway construction.
 - N. The entrance road into the single-family attached parcel east of Harrison Ranch Boulevard shall be a 4-lane divided roadway section with a 22' wide median to serve as the project's two means of access.
 - O. Developer agrees to reserve twenty (20) feet along the western side of Harrison Ranch Boulevard from U.S. Highway 301, north to the entrance of the community park, as designated on the Preliminary Site Plan, as proposed by Developer, for future right-of-way. If the County classifies Harrison Ranch Boulevard as a collector road, the Developer shall construct the above referenced boulevard with asphalt base and subbase to collector road standards.
 - P. There shall be no pole mounted street lighting along Harrison Ranch Boulevard between Erie Road and the first intersection roadway south of Erie Road. The use of decorative street lights may be authorized by the Planning Director at the time of Final Site Plan approval provided any such light produce no glare or light trespass on adjoining property.
5. Drainage
- A. The 25-year pre-development flow rate shall be based on existing topography including the inter-connected pond system computer modeling incorporating the

known 25-year tail water elevation from county studies. Allowable post-development discharge rates shall be 50 percent of the computed rate for pre-development conditions as outlined above.

- B. Any encroachment within the FEMA 100-year floodway shall be supported with the No-Rise certificate guidelines and the existing 25 year Base Flood Elevation shall not be increased.
 - C. The project shall not increase the FEMA 25- and 100-year floodplains, or base flood elevations; and shall meet all FEMA requirements and guidelines, where applicable. Any encroachment within the FEMA 100 year flood way shall be supported with the "No Rise" certification guidelines.
 - D. The forested area which generally follows the 100 year flood plain contour on the northern portion of the development shall be preserved. No drainage facilities or fill that will adversely affect this area shall be allowed.
 - E. All residential lots shall be located outside of the post-development 25-year flood plain of Slaughter Creek and the pre-development 100-year floodplain Wade Canal. Any re-contouring of the 25 year floodplain adjacent to Slaughter Creek shall be shown on the Final Site Plan approvals.
 - F. Whenever culverts are used under a roadway, culverts shall be oversized to allow birds and small animals to follow the waterway and avoid having to cross the street. Bridges shall be wide enough to allow animal crossings underneath, along stream banks and to allow for greater ease of animal traffic.
 - G. Subject to permitting, the applicant shall clean and maintain the existing Slaughter Creek and Wade Canal Basins on this property. This shall include keeping it free of all debris, branches, exotics, and obstructions and keeping all ditches, swales, and drainage paths free to flow into the creek from neighbors and adjacent property.
 - H. The minimum slope of all stormwater facilities shall be 1 to 3.
 - I. The developer shall provide an easement to Manatee County to accept stormwater for the U.S. 301 and Harrison Ranch Boulevard rights-of-way to accommodate roadway expansion along with a right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County.
6. Wetland Protection
- A. A 50 foot wide buffer shall be provided adjacent to Wade Canal, Slaughter Creek, and all contiguous wetlands. A 30 foot wide buffer shall be provided adjacent to all other wetlands.

Individual lots shall not be platted within post-development wetlands or wetland buffers.

- B. Wetland buffers shall be provided from all post-development jurisdictional wetlands in accordance with Section 719.11.1 of the LDC.
 - C. The boundaries of 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. There shall also be a Notice To Buyers indicating the presence of wetlands and wetland buffers, with a reference to the recorded conservation easement.
 - D. Roadways shall be aligned in a manner which minimizes impacts to wetland buffers. Where variable width wetland buffers are approved for roadways in accordance with Section 719 of the LDC, wetland buffer enhancement shall be required. A Wetland Buffer Enhancement Plan shall be submitted to the EMD for review and approval with each Final Site Plan.
 - E. Subject to receipt of permits to do so, remove all nuisance exotics from wetlands. Nuisance exotic vegetation shall be removed for the balance of the site. Care shall be used to avoid damaging the existing vegetation within the preservation and wetland areas. No large construction equipment shall be used within wetland areas to avoid damaging the areas.
7. Environmental
- A. Prior to the first Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures. Results of the evaluation shall be submitted to EMD.
 - B. All residential lots and roadways shall be located outside of the primary zone (750 feet) of the eagle's nest. The 4.8 acre pond, shown on the site plan approximately 300 feet from the nest, may be permitted, provided that it is excavated outside of the nesting period (generally from May 15 to October 1) and the applicant receives all required permits. Prior to the first Final Site Plan approval, a Wildlife Management Plan shall be approved by the U.S. Fish and Wildlife Service (FWS).
- Prior to authorization of construction activities within 1500 feet of the eagle nest, a Wildlife Management Plan shall be approved by the Fish and Wildlife Service.
- C. A management plan for removal of nuisance and exotic species, shall be developed by the applicant and approved by the EMD prior to the first Final Site Plan approval for the Project.

- D. An Integrated Pest Management Plan (IPMP) shall be developed and approved by Manatee County prior to the first Final Site Plan. The IPMP shall address the following items:
 - (1) Fertilizer/pesticide/herbicide/application; and
 - (2) Related quality control and assurance procedures.
 - E. The Developer shall encourage the use of water conserving landscapes and the responsible use of water, pesticides and fertilizers by occupants; and the Developer shall participate in the Florida Yards and Neighborhoods Program and follow the guidelines for lawn and landscape maintenance set forth therein. These efforts shall be enforced through property owners' associations.
 - F. A Well Management Plan for the proper rehabilitation/modification/abandonment of existing wells shall be submitted to EMD for review prior to the first Final Site Plan approval.
 - G. Conservation Areas shall be required throughout the development for passage of wildlife. Particular attention shall be made to tie the existing wetlands and preservation together where practical.
8. Landscape Buffer Requirements
- A. A 50 foot wide landscape buffer shall be provided:
 - (1) Adjacent to The Gardens Manufactured Home Park from Wetland Y to the eastern boundary of the neighborhood.
 - B. A 100 foot wide landscape buffer shall be provided:
 - (1) Adjacent to the eastern boundary, north of The Gardens.
 - (2) From the NE corner of the property along the north property line to the conservation area.
 - (3) Adjacent to Beck Estates.
- All building setbacks shall be measured from these landscape buffers.
- These buffers shall be planted with two staggered rows of canopy trees (3" caliper, 12' in height and 4' spread) with trees in each row 40 feet on center and installed prior to the first Final Plat approval (or Certificate of Occupancy if Platting is not required). Existing canopy trees meeting these criteria may remain and may count to satisfy this condition. All landscape buffers shall be planted to achieve a 60% opacity within 4 years of planting. Natural vegetation and trees where practical, to achieve the opacity results, shall be used. This includes buffers listed in 8.A and 8.B.
- C. A 25 foot wide landscape buffer shall be provided between all residential development and the FP&L easement. All building setbacks shall be measured from this greenbelt.

- D. Trees between Wetlands O and P shall remain undisturbed.
 - E. The perimeter and roadway buffer along the west property line running south from Erie road for $\pm 1,500'$, shall be 20' in width and contain 2 offset rows of canopy and understory trees, planted 25' on center, together with the required hedge. A 6' high solid decorative PVC fence (not white in color) or wall, including provisions for critter crossings, shall be placed within this buffer with all required landscaping or other vegetative plants as approved by the Planning Director on the west side of the fence.
9. Land Clearing and Tree Preservation
- A. Prior to any on-site burning during development, the applicant shall:
 - (1). Provide fire-fighting devices (e.g., fire trucks, water trucks, active fire hydrants) on site for the duration of the fire event. Fire extinguishers are not acceptable to meet this requirement.
 - (2). All burning locations shall be setback at least 300 feet from all property lines and power lines and 1,000 feet from occupied structures.
 - (3). Burning shall be permitted only between the hours of 8:00 a.m. and 2:00 p.m. No additional material shall be added after 2:00 p.m., and the fire must be completely extinguished by 5:00 p.m.
 - (4). Burning shall only be permitted on Tuesday, Wednesday, and Thursday.
 - (5). Chipping and mulching shall be preferred to burning whenever possible.
 - (6). The property owners within 500 feet of the Harrison Ranch project boundary shall be notified by mail 7 days prior to the commencement of burning. This notice may contain multiple burn dates.
 - (7). A permit shall be obtained from EMD.
 - B. Land clearing shall not commence until a Final Site Plan and Construction Plans have been approved. Land clearing, tree removal, or grading shall be limited to the specific Phase receiving Plat approval plus the area necessary to provide related facilities for specific phase.
 - C. Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated.

The minimum radius shall be protected:

- (1). Pines: dripline or 6', whichever is greater.

- (2). All other trees including hardwoods: 2/3 of the dripline or 6', whichever is greater.

Method of Erection

- (1). Minimum height of uprights: 3' (after being pounded into the ground), and no less than 2" x 4" lumber.
- (2). Uprights should have horizontal ribboning at the top and 12" below the top.
- (3). Uprights should be spaced at no more than 4'-5' intervals.
- (4). Horizontal members shall not be less than 1" x 2" lumber.

Barriers are to remain in place until all paving and construction are done and heavy equipment is out of the area. Trees 4" dbh and greater that are located within 10' of the lot under construction shall also be protected by a barricade during home construction.

- D. The oak trees with a 30 inch d.b.h or greater shall be preserved as shown on the plan.
- E. No structures (boardwalks, gazebos, bridges, etc.) shall be constructed within 50' of the property boundary inside the conservation area.
- F. All protected trees outside the proposed lakes and lots northeast of Harrison Ranch Boulevard and West of the FLP easement shall be preserved.

10. Notices

- A. The Notice to Buyer 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 home buyers of:
 - (1) The presence of neighboring agricultural uses, including possible use of pesticides and herbicides and of odors and noises associated with agricultural uses.
 - (2) The presence of inter-neighborhood ties in these neighborhoods which shall connect to a future roadway when development occurs on the adjacent property.
- B. Construction traffic for this project shall not be permitted to use 100th Avenue East in Beck Estates. Notification of this requirement shall be provided to all General Contractors for the project by the applicant and signs shall be posted at U.S. 301.
- C. Prior to Final Subdivision Plat approval, the applicant shall place signs at the rear property line of each lot when adjacent to active agriculture properties. The signs shall contain information which informs buyers of possible pesticides, herbicides,

odors, and noises associated with agricultural uses. The signs shall remain on each lot until the lot is sold.

11. General Requirements

- A. The developer shall make payment of \$255,750.00 to the School Board, upon written request with a 3% adjustment per year for five years. Request for payment shall be made no earlier than the date of issuance of the first residential Certificate of Occupancy. Payment shall be made within 30 days of request. Said payment shall be creditable against the school impact fees due for the project.
- B. The lowest quality of water available shall be used for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including those on individual lots.
- C. This project shall utilize numeric designations for all streets unless name designations are specifically approved by the Board.
- D. Prior to Final Site Plan approval, the applicant shall demonstrate to the Planning Department the manner that the residents in this project will evacuate from the area in case of a flood.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code to allow 2 streets on the east side of Harrison Ranch Boulevard to exceed 800' in length.

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 (General Agriculture, 1 dwelling unit per 5 acres) to PDMU (Planned Development Mixed Use), 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.

BEGINNING AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 33 SOUTH, RANGE 18 EAST, THENCE RUN S 00° 01' 09" W ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 2792.70 FEET; THENCE S 00° 01' 44" W CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 595.67 FEET; THENCE S 89° 46' 27" W, DISTANCE OF 799.91 FEET; THENCE N 00° 00' 11" W ALONG THE EAST LINE OF ANCIENT OAKS, UNIT 1 SUBDIVISION, PLAT BOOK 39, PAGE 31 AND ITS NORTHERLY AND SOUTHERLY PROJECTION, A DISTANCE OF 3905.46 FEET; THENCE N 00° 04' 13" W, A DISTANCE OF 344.17 FEET; THENCE N 63° 16' 43" E ALONG THE SOUTHERLY MONUMENTED RIGHT OF WAY LINE OF ERIE ROAD, A DISTANCE OF 448.29 FEET; THENCE S 00° 00' 07" W, A DISTANCE OF 1046.92 FEET; THENCE S 88° 10' 41" E, A DISTANCE OF 401.58 FEET TO THE POINT OF BEGINNING

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 July, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: [Signature]
Chairman

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

By: [Signature]
RSC



FLORIDA, COUNTY OF MANATEE
I, R.B. SHORE, Clerk of the Circuit Court, do hereby 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 4th day of August, 2004
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED FOR RECORD
R. B. SHORE

2004 AUG -9 PM 3: 12

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

August 6, 2004

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 4, 2004 and certified copy of Manatee County Ordinance No. PDMU-01-04(Z)(P), which was filed in this office on August 6, 2004.

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

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosure