

MANATEE COUNTY ZONING ORDINANCE
PDR-01-23(Z)(P) - BOWEN/NORTHWOOD PARK

FILED FOR RECORD
R. B. SHORE

2002 NOV -4 AM 11:12

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 110 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES, AND GRANTING SPECIAL APPROVAL FOR A PROJECT 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 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 22, 2002 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 110 lots for single-family detached residences, and granting Special Approval for a project adjacent to a perennial stream with the following stipulations:

STIPULATIONS

1. The recreational facility shall include a commercial grade tot lot, benches, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan.
2. The Developer shall extend construction of the sidewalk to the east, along 69th Street East, to connect with the sidewalk at Foster's Creek Subdivision.

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3. A 25' wide perimeter buffer shall be provided along the west property line adjacent to Palmview Acres Subdivision. Lots shall not be platted through this buffer.
4. Enhanced Roadway and Perimeter buffer plantings, as shown on the landscape plan included with this site plan, shall be provided for this project.
5. Tree plantings along the north end of the property must stay out of the 25' wide maintenance easement for the creek.
6. All lots adjacent to active agricultural operations shall have an additional 35' setback, as shown on the site plan. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the Final Plat.
7. Cross-sections of all proposed activities within twenty-five feet of wetland buffers shall be included in the Final Site Plan. Reconfiguration of the floodplain compensation area in the northeast corner of the site may be required.
8. Wetland buffer signage shall be provided, as required pursuant to Section 719.11.1.3.3. of the LDC and shall be shown on the Final Site Plan.
9. Nuisance, exotic plant species shall be removed from the upland portions of the site in accordance with Section 715.4.E of the LDC, and Policy 3.3.2.2 of the Comprehensive Plan.
10. Prior to commencement of construction activities, the two areas of petroleum contaminated soils identified in the Limited Phase II Investigation by Ardaman & Associates (02/26/02) shall be remediated in accordance with Florida Department of Environmental Protection requirements.
11. The Notice to Buyers and Final Site Plan shall include a notice to inform homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
12. A non-ingress egress easement shall be recorded along the frontage of all lots along 69th Street East prior to Final Subdivision Plat.
13. If street lights are installed, all street lights within the project shall be limited to 20' in height, directed downward, and utilize full cut-off fixtures.
14. 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 first be obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans/Construction Plans are approved.
15. 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.

16. Prior to Final Site Plan approval, a Well Management Plan for the proper abandonment of all existing wells shall be submitted to the EMD for review and approval.
17. Unless otherwise approved by Environmental Management Department, native or drought tolerant landscape materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowners to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
18. Prior to approval of the Final Plat for the 55th lot of the subdivision, developer shall construct an eastbound left-turn lane at the intersection of 69th Street East and 43rd Avenue East into the site. The turn lane total length should be 235 feet (185 feet for deceleration and 50 feet for queue storage.)
19. Developer shall construct a separate southbound right-turn egress lane from the site at the intersection of 69th Street East and 43rd Avenue East.
20. Developer shall provide the appropriate intersection sight distances per AASHTO guidelines.
21. All required traffic improvements will be shown on the Final Site Plan and on the construction plans.
22. This project lies within the Buffalo Creek Watershed. This project shall be required to reduce the calculated predevelopment flow rate by fifty percent (50%) for all stormwater outfalls.

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 THE SW CORNER OF THE NW 1/4 OF THE SE 1/4 OF SECTION 29, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE NORTH, ALONG THE WEST LINE OF SAID NW 1/4 OF THE SE 1/4, 20.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ERIE ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE N 89° 42' 45" E., PARALLEL TO THE SOUTH LINE OF SAID NW 1/4 OF THE SE 1/4 AND ALONG SAID NORTH R/W LINE, 929.12 FEET; THENCE N 00° 45' 04" E., A DISTANCE OF 397.42 FEET; THENCE S 89° 21' 41" E., A DISTANCE OF 417.42 FEET ; THENCE N 00° 45' 04" E., A DISTANCE OF 900.00 FEET MORE OR LESS TO THE NORTH LINE OF SAID NW 1/4 OF THE SE 1/4 ALSO BEING THE CENTERLINE OF FROG CREEK MORE OR LESS; THENCE NORTHWESTERLY ALONG SAID CENTERLINE 1415.00 FEET MORE OR LESS TO A POINT ON THE NORTHERLY EXTENSION OF THE SAID WEST LINE OF THE NW 1/4 OF THE SE 1/4;

THENCE SOUTH ALONG SAID WEST LINE 210 FEET MORE OR LESS TO THE CENTER OF SAID SECTION 29, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE CONTINUE SOUTH ALONG SAID WEST LINE, ALSO BEING THE EASTERLY LINE OF PALMVIEW ACRES PLAT BOOK #43, PAGES 106-110 OF THE PUBLIC RECORDS OF SAID MANATEE COUNTY, A DISTANCE OF 1006.64 FEET; THENCE CONTINUE SOUTH ALONG SAID WEST LINE, ALSO BEING THE EASTERLY LINE CHRISTY LEE'S REPLAT OF PART OF SWAN ESTATES RECORDED IN PLAT BOOK 21, PAGES 43 AND 44 OF SAID PUBLIC RECORDS, A DISTANCE OF 297.00 FEET TO THE POINT OF BEGINNING. ALL BEING AND LYING IN SECTION 29, TOWNSHIP 33 SOUTH, RANGE 18 EAST.

CONTAINING 38.51 ACRES MORE OR LESS

LESS RIGHT-OF-WAY FOR ERIE ROAD DESCRIBED AS LYING WITHIN 42.00 FEET OF THE SOUTH LINE OF SAID SE1/4 OF SECTION 29.

LESS EXISTING RIGHT-OF-WAY FOR ERIE ROAD, PI #6375.1000/4; PI #6735.15000/3; PI #6735.2000/3


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 22nd day of October, 2002.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Guy Stein
Chairman

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

By: Susan G. Romo




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 28th day of

October 2002
R. B. SHORE
Clerk of Circuit Court
By: Marianna Hoppe etc.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
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FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET

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Administration Commission
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Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

October 31, 2002

FILED FOR RECORD
R. B. SHORE

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

2002 NOV -4 AM 11:12

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated October 28, 2002 and certified copies of Manatee County Ordinance Nos. PDR-01-23(Z)(P), Z-02-04 and 02-59, which were filed in this office on October 31, 2002.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
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