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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

MANATEE COUNTY ZONING ORDINANCE
PDR-02-10(Z)(P) - BLASER'S NURSERIES, INC.

FILED FOR RECORD
R. B. SHORE

2003 APR -2 PM 2:51

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 122 MULTI-FAMILY UNITS, 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 March 25, 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.

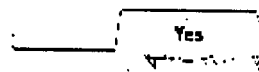
Section 2. The Preliminary Site Plan is hereby APPROVED to allow 122 Multi-Family units, and GRANTING Special Approval for a project adjacent to a Perennial Stream with the following stipulations and Specific Approvals:

STIPULATIONS

1. The detached units (Unit B) shall have a minimum 15' separation between buildings. This shall be approved by the Planning Department with the Final Site Plan.
2. A sidewalk shall be provided from the pool area to tie into the sidewalk contiguous to the 3 parking spaces northeast of this area.

BC20030325DOC035

3. The playground area shall be relocated to a central location within the development, and shall contain commercial grade tot lot equipment, security fencing, and adequate shade trees. This location shall be approved the Planning Department with the Final Site Plan.
4. The proposed 6' high opaque decorative wall along the east side of the project shall be extended south to the southern end of Parcel #20284.0000/6 that lies between this project and Maple Lakes Subdivision.
5. A mixture of canopy and understory trees (including at least 3 species) shall be placed on the outside of the decorative walls along the eastern and southern property lines, to provide a visual screen that is 60% opaque within 1 year of planting. This shall be approved by the Planning Department with the Final Site Plan.
6. Concurrency shall be met relative to fire flows prior to Final Site Plan.
7. A 5' wide sidewalk shall be provided along the west side of the eastern driveway and access road, from the sidewalk along Tallevast Road, to tie into the proposed sidewalk shown south of unit #60. This shall be approved by the Planning Department with the Final Site Plan.
8. The design and shielding of any on-site lighting for the common areas shall comply with Section 709.2.2. In addition, pole and building mounted 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 houses lights may be permitted. A lighting plan, showing the detail of the proposed lighting shall be submitted for review and approval by the Planning Department with the Final Site Plan.



9. The lowest quality water possible shall be used for irrigation. In ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project.
10. The areas of contamination, as documented in the Limited Phase II Environmental Site Assessment, shall be remediated in accordance with the Florida Department of Environmental Protection requirements prior to commencement of construction.
11. Removal of all exotic nuisance plant species from the upland portions of the site shall be completed prior to the first certificate of occupancy issuance or final plat approval, in accordance with Section 715.4 of the LDC.
12. Unless otherwise approved by Environmental Management Department, native xeriscape landscape or drought tolerant 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.

13. The drive-aisles within the project shall be built to County standards. This shall be approved by the Growth Management Division of the Planning Department with the Final Site Plan.
14. The Notice to Buyer and Final Site Plan shall include language to inform homeowners that they are purchasing a home nearby an industrial area located on the west side of the Pearce Drain. The applicant shall measure the ambient noise levels prior to Final Site Plan approval and include this information in the Notice to Buyers and Final Site Plan.
15. The attached dwelling units shall be of a configuration as represented in the photographs submitted at the public hearing. However, the architectural style may be different.

SPECIFIC APPROVALS

1. Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code to allow a reduction of the perimeter greenbelt from 15' to 12'.
2. Specific Approval of an alternative to Section 603.7.4.6 of the Land Development Code to delete the requirement for an interneighborhood tie.

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.

THE FIRST TWO PARCELS OF LAND AS DESCRIBED AND RECORDED IN DEED BOOK, 236, PAGE 561, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TO WIT:
BEGIN AT A POINT 1790 FEET OF THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, SAME BEING IN CENTER OF MAIN CANAL OF PEARCE SAW GRASS DRAIN AND ON THE SECTION LINE BETWEEN SECTION 29 AND 32, SAID TOWNSHIP AND RANGE; THENCE EAST 935 FEET, MORE OR LESS, TO THE EAST LINE OF THE NE 1/4 OF THE NW 1/4 OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE SOUTH 761.5 FEET; THENCE WEST 1145 FEET TO CENTER OF CANAL; THENCE NORTHEASTERLY ALONG CENTER OF SAID CANAL 980 FEET TO THE POINT OF BEGINNING. CONTAINING 17.9 ACRES, MORE OR LESS AND BEING IN THE NE 1/4 OF THE NW 1/4 OF SECTION 32, TOWNSHIP 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

ALSO: BEGIN AT THE NE CORNER OF THE NW 1/4 OF SECTION 32 TOWNSHIP 35 SOUTH, RANGE 18 EAST; RUN S. 00° 26' W., 761.5 FEET ON THE EAST LINE OF THE NW 1/4 OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MAKING THIS THE POINT OF BEGINNING; THENCE RUN S. 89° 57' W., PARALLEL TO THE NORTH LINE OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, 1122 FEET, MORE OR LESS TO THE CENTER LINE OF THE PEARCE DRAIN; THENCE RUN SOUTHERLY 445 FEET ALONG THE CENTER LINE OF PEARCE DRAIN TO ITS INTERSECTION WITH THE CENTER LINE OF A DITCH; THENCE RUN S. 76° 46' E., 567 FEET ALONG THE CENTER LINE OF SAID DITCH TO A CONCRETE MONUMENT; THENCE EASTERLY ALONG A FENCE 671.4 FEET TO A CONCRETE MONUMENT ON THE EAST OF THE NW 1/4 OF SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N. 00° 26' E. ON THE EAST LINE OF THE NW 1/4 583.8 FEET TO THE POINT OF BEGINNING.

CONTAINING 14.35 ACRES MORE OR LESS.

TOGETHER WITH THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 979, PAGE 752, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, TO WIT: THE WEST 15 FEET OF THE WEST 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 32, TOWNSHIP SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. LESS THE NORTH 30 FEET FOR TALLEVAST ROAD. THE ABOVE CONTAINING 0.45 ACRES MORE OR LESS.

LESS PART A (RIGHT OF WAY) AND PART B (RETENTION POND) OF PARCEL 111, AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 1676, PAGES 3624 THRU 3626, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. THE ABOVE CONTAINING 4.14 ACRES MORE OR LESS.

ALL BEING AND LYING IN SECTION 32, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 28.34 ACRES, MORE OR LESS.

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 25th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

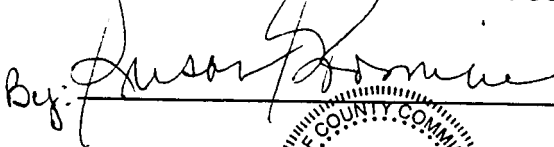
BY: 

1st Vice-Chairman

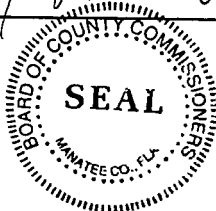
ATTEST:

R. B. SHORE

Clerk of the Circuit Court

By: 

D.C.



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 26th day of

March, 20 03

R.B. SHORE
Clerk of Circuit Court

By:  Patricia A. Jatum, D.C.

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Division of Administrative Services
Division of Corporations
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Preservation Board

RINGLING MUSEUM OF ART

March 31, 2003

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

RECEIVED

APR 02 2003

BOARD RECORDS

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 March 26, 2003 and certified copies of Manatee County Ordinance Nos. PDR-02-10(Z)(P) and PDR-02-21(Z)(P), which were filed in this office on March 28, 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 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
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us