

FILED FOR RECORD  
R. B. SHORE

2004 MAR -4 PM 2: 37

CLERK OF THE DISTRICT COURT  
MANATEE CO. FLORIDA

MANATEE COUNTY ZONING ORDINANCE

PDR-03-08(Z)(P) - RYE WILDERNESS ONE, LLC./RYE WILDERNESS  
ESTATES, PHASES II-V

DEPT. OF STATE  
TALLAHASSEE, FLORIDA

2004 MAR -1 AM 11: 59

FILED

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 (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 298 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES ON 343.97 ACRES AT A GROSS DENSITY OF 0.87 DWELLING UNITS PER ACRE.

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 (General Agriculture, 1 dwelling unit per 5 acres) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on February 24, 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 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow 298 lots for single-family detached residences on 343.97 acres at a gross density of 0.87 dwelling units per acre with the following stipulations and Specific Approval:

## STIPULATIONS

### A. DESIGN AND LAND USE CONDITIONS:

1. No lots shall be platted thru any greenbelt, landscape buffer, retention pond, wetland, or wetland buffer.
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. The roadway buffer along the Rye Road right-of-way shall be a minimum of 50' in width. This buffer shall be planted with two staggered rows of canopy trees (3" caliper, 10' in height and 4' spread) with trees in each row 40 feet on center. At least two different species of trees shall be used. Existing canopy trees or native vegetation meeting these criteria may remain and may count to satisfy this condition. If the developer chooses to construct a fence or decorative wall, all required landscaping shall be provided on the exterior of the wall or fence, facing the roadway.
5. All perimeter landscape buffers shall be a minimum of 30 feet wide, planted with two rows of canopy trees (2 ½ " caliper, 12' in height, with a 4' spread) off-set 25' on-center with a hedge and shall provide 85% opacity to a height of ten (10) feet within three years from the date of each Final Subdivision Plat approval. Existing vegetation fulfilling the requirements of this stipulation may be used to satisfy this requirement.
6. In order to increase the upland and tree preservation areas within this project, and to provide additional open views, the applicant shall eliminate either Lot 226 or Lot 235 and preserve all existing trees within the lot that is eliminated.
7. A non-ingress egress easement shall be recorded along the frontage of all lots along Rye Road prior to approval of the Final Subdivision Plat.
8. All lots adjacent to active agricultural operations at the time of Final Subdivision Plat review shall have an additional 35' setback in conformance with LDC Section 702.6.7.
9. 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 house 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.

10. The Notice to Buyers and Final Site Plan(s) shall include language informing prospective home buyers of the following:
  - a. the location of passive parks, open space, and active recreation areas;
  - b. location of the Lake Manatee Loop Trail of the Manatee County Greenways Master Plan, on a map;
  - c. the presence of interneighborhood ties to existing and future development and that traffic from adjoining development may use their roadways;
  - d. the presence of the neighboring Radio Control Airplane Airport and the presence of possible noises associated with such uses;
  - e. the presence of the 30 foot wide Florida Gas Transmission Line easement running through this project. The location of this easement is shown on the Final Site Plan and the Final Plat;
  - f. the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses;
  - g. the Integrated Pest Management Plan (IPM) submitted and approved by the Environmental Management Department;
  - h. the location of the vulnerability of 1 EHS zone as identified by the Environmental Protection Agency;
  - i. the Disaster Mgt. Plan submitted and approved by the Public Safety Department;
  - j. the proximity of the site to the Lake Manatee Dam;
  - k. the location of the 100-year and 25-year floodplains relative to the project;
  - l. language to inform homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project;
  - m. 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; and,
  - n. a statement that this development is near a facility that uses and stores anhydrous ammonia.
11. The project site may continue to be used for agricultural activities, but at no greater intensity than at present. No silviculture or agricultural activities shall be initiated on land not currently under such use.
12. The one dead-end street that exceeds 800' shall include a "turn-about" or "eyebrow" to facilitate midpoint turn-arounds, to be approved by the Fire District and Transportation Department with the Final Site Plan. This dead end street shall be constructed as interneighborhood tie to the adjacent property line.
13. Passive traffic calming devices (e.g., landscaped traffic islands, pavement texture changes, street trees, etc.) shall be utilized at interneighborhood ties, intersections, and where deemed appropriate within the project. These passive traffic calming devices and locations shall be approved by the Transportation Department with the Final Site Plan(s).

**B. ENVIRONMENTAL CONDITIONS:**

1. The developer shall provide signs adjacent to wetland buffers or conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be approved by the EMD with the Final Site Plan.
2. A Wetland Buffer Restoration Plan shall be submitted to the EMD for review with the Final Site Plan in accordance with Section 719.11.2.1 of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
3. Prior to Final Plat approval(s), a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers shall be dedicated to the County per Section 719.11.1.3 of the LDC.
4. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Certificate of Occupancy issuance or first Final Plat approval, in accordance with Section 715.4 of the LDC.
5. Existing native vegetation located within any required landscape buffer/greenbelt shall be preserved to the greatest extent possible. No overhead or underground power lines, swales, or stormwater facilities shall be located within the proposed landscape buffers/greenbelts where native vegetation exists.
6. An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to EMD for review and approval prior to Final Site Plan approval.
7. Unless otherwise approved by EMD, native, xeriscape 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.
8. Any stream, creek, or water body crossings of existing systems shall provide for the free movement of water fowl and other species. The appropriate size of culverts shall be reviewed and approved by EMD prior to Construction Plan approval.
9. Prior to Final Site Plan approval(s) the applicant shall provide documentation indicating that the Water Use Permit for the existing 8" well has been modified for the proposed use.
10. 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/Construction Plans are approved.

11. Prior to 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.

C. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:

1. Sidewalks shall be installed along both sides of all internal streets.
2. All traffic control signs and pavement markings to be installed by the Developer shall conform to FDOT and MUTCD standards.
3. An emergency access shall be provided to Woodstock Road. The location of the access shall be reviewed and approved by the Planning Department, Fire District, Public Safety Department, and the Transportation Department prior to Final Site Plan approval.
4. 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.
5. Prior to Final Subdivision Plat approval, Dedication documents for any additional right-of-way required along Rye Road shall be approved by the Transportation Department.

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 reuse 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.

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.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 907.0.4.2 of the Land Development Code to allow a cul-de-sac greater than 800 feet 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 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.

FROM THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00° 47' 07" W ALONG THE EAST LINE OF THE N.E. ¼ OF SAID SECTION 23, A DISTANCE OF 2685.31 FEET TO THE SOUTHEAST CORNER OF SAID N.E. ¼; THENCE S 00° 29' 17" W ALONG THE EAST LINE OF THE S.E. ¼ OF SAID SECTION 23, A DISTANCE OF 144.16 FEET TO THE POINT OF BEGINNING; THENCE S 00° 29' 17" W CONTINUING ALONG SAID S.E. ¼, A DISTANCE OF 2560.56 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 23 AND THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 34 SOUTH, RANGE 19 EAST; THENCE S 00° 48' 48" W, A DISTANCE OF 2646.17 FEET TO THE SOUTHEAST CORNER OF THE N.E. ¼ OF SAID SECTION 26; THENCE N 89° 24' 48" W, A DISTANCE OF 2630.75 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE N 00° 36' 53" E ALONG THE WEST LINE OF THE N.E. ¼ OF SAID SECTION 26, A DISTANCE OF 1100.03 FEET; THENCE N 89° 26' 25" W, A DISTANCE OF 60.00 FEET; THENCE N 00° 36' 53" E, A DISTANCE OF 1544.87 FEET TO THE NORTH LINE OF THE N.W. ¼ OF SAID SECTION 26; THENCE S 89° 27' 16" E ALONG SAID NORTH LINE, A DISTANCE OF 60.00 FEET TO THE N.W. CORNER OF THE N.E. ¼ OF SAID SECTION 26 AND THE SOUTHWEST CORNER OF THE S.E. ¼ OF AFORESAID SECTION 23; THENCE N 00° 26' 02" E ALONG THE WEST LINE OF SAID S.E. ¼, A DISTANCE OF 1763.65 FEET TO THE SOUTHEAST RIGHT OF WAY LINE OF RYE BRIDGE ROAD; THENCE N 50° 14' 31" E ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2524.43 FEET; THENCE S 37° 23' 42" E, A DISTANCE OF 165.92 FEET; THENCE S 00° 33' 24" W, A DISTANCE OF 705.81 FEET; THENCE S 89° 27' 25" E, A DISTANCE OF 613.84 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 23 AND 26, TOWNSHIP 35 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO THE PERTINENT EASEMENTS, RIGHT OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 320.09 ACRES, MORE OR LESS.

TOGETHER WITH AND INCLUDING THE FOLLOWING DESCRIBED PARCEL:

THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA (40 ACRES ±).

AND

THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA (40 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 24<sup>th</sup> day of February, 2004.

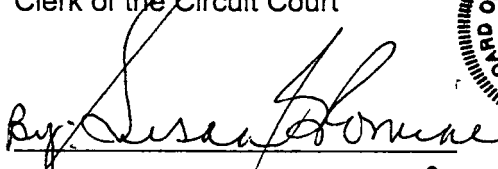
BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: 

Chairman

ATTEST:

R. B. SHORE  
Clerk of the Circuit Court

By:   
RS



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 25 day of February, 2004

R.B. SHORE  
Clerk of Circuit Court

By:  D.C.

FILED FOR RECORD  
R. B. SHORE

2004 MAR -4 PM 2: 36

CLERK OF THE CIRCUIT COURT  
MANATEE CO FLORIDA



FLORIDA DEPARTMENT OF STATE

**Glenda E. Hood**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED FOR RECORD  
R. B. SHORE

2004 MAR -4 PM 2: 34

CLERK OF THE CIRCUIT COURT  
MANATEE CO FLORIDA

March 2, 2004

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 letters dated February 25, 2004 and certified copies of Manatee County Ordinance Nos. PDR-03-08(Z)(P), Z-03-13, 04-19, 04-40 and 04-42, which were filed in this office on March 1, 2004.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/mp

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