

FILED FOR RECORD
R. B. SHORE

2004 JUN 14 PM 1:10

MANATEE COUNTY ZONING ORDINANCE

PDR-03-49(Z)(P) - BALL HORTICULTURAL CO./CARL BALL WISTERIA PARK

CLEARANCE OF THE PROPERTY
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 RSF-2 (RESIDENTIAL SINGLE-FAMILY, 2 DWELLING UNITS PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 141 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES, AND GRANTING SPECIAL APPROVAL FOR A PROJECT FOR DENSITY GREATER THAN 2 DWELLING UNITS PER ACRE IN THE RES-3 FUTURE LAND USE CATEGORY.

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 (RSF-2 (Residential Single-Family, 2 dwelling units per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on May 25, 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 141 lots for single-family detached residence, and GRANTING Special Approval for a project for density greater than 2 dwelling units per acre in the RES-3 Future Land Use Category, with the following Stipulations:

STIPULATIONS

1. 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 homeowners to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
2. 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.
3. A 6' tall concrete wall, with a painted stucco finish, shall be installed along the eastern property line. All required landscaping shall be placed on the exterior of the wall, in favor of the Rivers Ridge Subdivision. This shall be installed prior to Final Plat approval.
4. A 6' tall concrete wall with a painted stucco finish, or a 6' tall fence and landscape combination providing 80% opacity within 12 months of planting, shall be installed along 21st Avenue N.W., from the eastern property line to the eastern edge of the lake abutting the entrance on 21st Avenue N.W. This screening shall also be placed along 17th Avenue N.W. from the eastern property line to the eastern bank of the proposed lake (approximately 780'). All required landscaping shall be located on the exterior of the wall facing the street. This screening shall be installed prior to Final Plat approval.
5. Prior to Final Site Plan approval, a Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the EMD for review and approval.
6. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the Final Plat approval, in accordance with Section 715.4 of the LDC.
7. The project shall reduce the post-development discharge up to 50% or improve the off-site drainage system by enlarging the culvert pipes.
8. The sidewalk shown on the cul-de-sac roadway shall continue around the cul-de-sac. This shall be approved by the Growth Management Division of the Planning Department with the Final Site Plan.
9. A 5' wide sidewalk shall be required along 17th Avenue N.W., adjacent to the project. If there are any sidewalks within 1000' of the project, the applicant shall be required to extend the project sidewalks to tie into existing sidewalks where gaps exist.

10. Land clearing, tree removal, or grading shall not commence until a Final Site Plan and Construction Drawings have been approved for this project.
11. 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 which also includes an evaluation of the impact of the proposed development on hurricane shelter capacity.
12. 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.
13. 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.
14. 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.
15. The recreational area shall contain commercial grade tot lot equipment and adequate shade trees. This shall be approved the Planning Department with the Final Site Plan. A community pool may be substituted for the basketball court shown on the Preliminary Site Plan.
16. 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.
17. An unobstructed 12'-wide maintenance access area around the perimeter of all retention ponds shall be approved by the Stormwater Management Division of the Transportation Department with the Final Site Plan.
18. The Developer shall prepay all Educational Facilities Impact fees prior to obtaining the first Building Permit for a dwelling unit. Payment shall be made at the prevailing Educational Facilities Impact fee rate as of the date of payment.
19. The Final Site Plan design shall incorporate traffic calming principles. Traffic calming design and devices as determined by the Transportation Department shall be installed by the Developer.

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 RSF-2 (Residential Single-Family, 2 dwelling units 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 SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA, LESS THAT PORTION DESCRIBED IN OFFICIAL RECORD BOOK 1412, PAGE 4824 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

AND

THE WEST ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 34 SOUTH, RANGE 16 EAST, MANATEE COUNTY, FLORIDA.

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 May, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

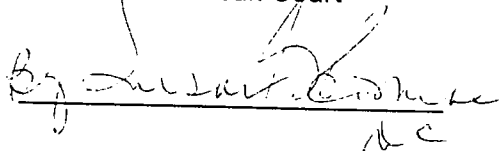
BY: 

Chairman

ATTEST:

R. B. SHORE

Clerk of the Circuit Court


R.B.



Witness my hand and official seal this 25 day of May, 2004

R.B. SHORE
Clerk of Circuit Court

By: 



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

FILED FOR RECORD
R. B. SHORE

2004 JUN 14 PM 1:09

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

June 9, 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 letters dated June 2, 2004 and certified copies of Manatee County Ordinance Nos. 04-33, PDR-03-49(Z)(P), PDC-03-47(Z)(G), PDC-03-43(Z)(P), PDR-03-10(Z)(P) and PDR/PDC-96-03(G)(R6), which were filed in this office on June 7, 2004.

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

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosure