

MANATEE COUNTY ZONING ORDINANCE
PDR-04-02(Z)(P) - R & J ACRES, LLC/WELLINGTON LAKE MANOR 2005 MAR -9 PM 4:23

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 169 LOTS FOR SINGLE-FAMILY DETACHED HOMES AND AN EXISTING 230' TELECOMMUNICATIONS TOWER, AND GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) EXCEEDING ONE DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY; AND 2) IN A DESIGNATED ENTRANCEWAY.

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-1 (Suburban Agriculture, 1 dwelling per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on February 22, 2005 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 169 lots for single-family detached homes and an existing 230' telecommunications tower, and GRANTING Special Approval for a project: 1) exceeding one dwelling unit per acre in the UF-3 Future Land Use Category; and 2) in a designated Entranceway with the following Stipulations and Specific Approval:

STIPULATIONS

1. The Notice to Buyers 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 shall include language to informing prospective 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. The applicant shall record a deed restriction providing for the waiver of any claim for damages from the State or County resulting from future I-75 noise levels by future property owners within the project.

2. The recreational facility shall provide a commercial grade tot lot, benches, shade trees, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan. The design of the facility shall be in substantial conformance with the design drawings entered into the record for this case.
3. The design and shielding of any on-site lighting for the common and recreational areas shall comply with Sections 709.2.2. In addition, pole and building mounted lights shall be limited to 20 feet in height and directed to the interior of the development using horizontal cutoffs. Use of decorative street lights or house lights may be permitted. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan.
4. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., historical cattle dipping vats, underground or above ground 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 or mitigative measures.
5. Prior to Final Site Plan approval, the site shall be re-evaluated for the presence of listed endangered or threatened species.
6. Upland preservation areas shall be clearly delineated, labeled, and quantified on the Final Site Plan. Upland preservation areas shall be consistent with those shown on the Preliminary Site Plan.
7. Existing native vegetation within any required buffer shall be preserved to the greatest extent possible. No overhead or underground power lines, swales, or stormwater facilities shall be within any landscape buffer containing desirable native vegetation. Compliance with this requirement will be determined at time of Final Site Plan by the Natural Resources Division of the Planning Department.
8. Lots shall not be platted through wetlands, wetland buffers, or upland preservation areas.
9. A Wetland Buffer Restoration Plan shall be submitted to the Natural Resources Division for review with the Final Site Plan in accordance with Section 719.11.2.1 of the LDC. The Final Site Plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
10. 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 and approved by the Planning Department with the Final Site Plan.

11. Prior to Final Subdivision Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands or wetland buffers and upland preservation areas shall be dedicated to the County.
12. The Final Site Plan shall identify all Osprey nests and impacts to trees containing Osprey nests shall be avoided to the greatest extent feasible. In the event that impacts to nest trees are unavoidable, a replacement osprey platform shall be constructed prior to removal of the nest tree. Unless approved by the Planning Department, removal of nest trees shall be prohibited during the nesting season. The location of any replacement platform shall be approved by the Planning Department with the Final Site Plan.
13. Tree barricades for trees to be preserved shall be located at the drip line unless otherwise approved. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees, machinery and vehicle travel or parking, underground utilities, filling or excavation, and storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height or other alternatives and in locations as approved with the Final Site Plan.
14. An Exotic Plant Species Management Plan shall be approved prior to or concurrent with Final Site Plan or construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within upland common areas and upland open spaces for the life of the project. Initial removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the Final Plat approval. Exotic plant species removal from upland preserve areas shall be done in a manner which limits the impacts to desirable vegetation.
15. A Well Management Plan shall be submitted for review and approval by the Environmental Management Department prior to Final Site Plan approval.
16. A Wetland Buffer Restoration Plan shall be submitted for review with the Final Site Plan in accordance with Section 719.11.2.1 of the LDC. The Final Site Plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
17. Prior to development related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department.
18. The applicant shall be responsible for bringing County water and sewer to the site. This approval is contingent upon the site being served by public utilities.
19. The stormwater management system shall be designed to provide a reduction of up to 50% of the allowable pre-development flow from the 25 year 24 hour storm event discharge.

20. The Drainage Model and Construction Plans shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
21. 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.
22. All lot owners shall be encouraged to participate in the Florida Yards and Neighborhoods Program. Information shall be provided in the sales office and provided to all lot purchasers.
23. A double row of trees shall be planted on the northwestern property line of Lots 8, 9, and 12 of Block 11, and Lot 14 of Block 10 and the common area between these lots. Twenty-five, 5-inch dbh canopy trees and an alternating row of twenty-five, 3-inch dbh understory trees shall be planted in this area.
24. This approval will supercede the approval for SP-96-06(R).
25. The buffer shown along the northern property line shall be located north of Lots 1-6, Block 1 and south of the access drive for the telecommunications tower.
26. The right-of-way required shall be those requirements in effect at the time of Final Site Plan approval.
27. Prior to Final Site Plan approval a noise analysis shall be done based on the potential 10 lane configuration of I-75 and anticipated traffic in 2025.

No residential dwelling units shall be allowed between the L10 70dBA noise level contour and I-75 based on the future 10 laning of the road and anticipated traffic in 2025, unless such residences are protected by some performance equivalent measure to achieve the L10 60 dBA range. Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms. Buildings shall be positioned to maximize the distance between the residential units and the noise source. Sound attenuating barriers should be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L10 65 dBA contour, based on the future 10 laning of the road and anticipated traffic in 2025 must meet the sound levels identified by the EPA as sufficient to protect public health and welfare. The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval.
28. The developer shall pay educational facility impact fees at the time of Building Permit for each individual lot.

SPECIFIC APPROVALS:

1. Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code to allow internal streets to exceed 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-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.

PARCEL 1:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 33 SOUTH, RANGE 18 EAST, THENCE SOUTH ALONG THE SECTION LINE A DISTANCE OF 2821.6 FEET TO A MARKER, THENCE EAST 5250 FEET, MORE OR LESS, TO THE WEST LINE OF A GRADED COUNTY ROAD, THENCE NORTHERLY ALONG THE WEST SIDE OF SAID COUNTY ROAD, AS NOW ESTABLISHED, A DISTANCE OF 2821. 6 FEET OT THE NORTH BOUNDARY LINE OF SAID SECTION 15, THENCE WEST ALONG THE NORTH BOUNDARY OF SAID SECTION TO THE POINT OF BEGINNING.

LESS THE PORTION THEREOF TAKEN BY ORDER OF TAKING RECORDED IN O.R. BOOK 867, PAGE 368, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

AND LESS THAT PART LYING NORTHERLY AND WESTERLY OF INTERSTATE HIGHWAY 75.

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 February, 2005.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman

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



By: [Signature]



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

February, 2005.

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.

RECEIVED RECORD
R. B. SHORE

2005 MAR -9 PM 4:28

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



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

March 4, 2005

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 28, 2005 and certified copies of Manatee County Ordinance Nos. PDO-04-40(Z)(P) and PDR-04-02(Z)(P), which were filed in this office on March 4, 2005.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp

Enclosures