

2007 OCT 22 AM 8:34

**MANATEE COUNTY ZONING ORDINANCE
PDR-06-71(P) – TERRASET SUBDIVISION**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 2 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES ON APPROXIMATELY ±2.13 ACRES AT 64 SUNSET LANE, TERRA CEIA; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Thomas R. & Kathleen M. Lyons (the "Applicant") have filed an application for a Preliminary Site Plan for approximately 2.13 acres described in Exhibit "A", attached hereto (the "Property") for 2 lots for single-family detached residences; and

WHEREAS, the Applicant has also requested Special Approval: 1) for a project in the Coastal High Hazard Overlay; 2) for a project in the Coastal Storm Vulnerability Area; 3) for a project in the Coastal Evacuation Area; 4) for a project in the Coastal Planning Area; 5) for a project in the Historical and Archaeological Overlay; and 6) to waive the mandatory connection to the Manatee County public wastewater system; and

WHEREAS, the Applicant has also requested Specific Approval for an alternative to Section 722.1.4.2 of the Land Development Code; and

WHEREAS, Planning Department staff recommended approval of the Preliminary Site Plan, Special Approval, and Specific Approval applications, subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 13, 2007 to consider the Preliminary Site Plan application, received the staff's recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, and recommended approval of the applications, subject to the stipulations contained in the staff report.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on September 27, 2007, attached hereto as Exhibit "B" and incorporated herein regarding the proposed Preliminary Site Plan 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 the public hearing.

C. The proposed Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 722.1.4.2, regarding sidewalks along public streets, the Board finds that the public purpose and intent of the Land Development Code regulations have been satisfied because the proposed design is consistent with the historical, cultural, and aesthetic heritage of the Terra Ceia Historical & Architectural Overlay District.

E. The Board hereby finds that the Project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

F. The overriding policy of Manatee County as expressed in Comprehensive Plan Policy 9.2.1.2. is to require all new development within the wastewater collection area to connect to Manatee County's public sanitary sewer system.

G. The wastewater collection area is depicted on Map 9-A of the 2020 Manatee County Comprehensive Plan and the proposed subdivision lies within the wastewater collection area.

H. The nearest sewer system is a 6" force main approximately 4,100 feet northeast of this project on US 19 and 73rd Street West.

I. The subdivision will be for two single-family lots. There is one existing single-family residence.

J. Subdivision of land is defined as development pursuant to the Manatee County LDC. Therefore, Special Approval is required when requesting not to connect to public sanitary sewer.

K. The additional expense to connect to the public sanitary sewer system is not warranted in this instance, based upon the criteria in the Comprehensive Plan and Land Development Code.

L. The use of a septic tank to serve the site rather than connecting to public sanitary sewer will have no significant detrimental impacts on natural resources, adjacent land uses, or public

facilities.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to allow 2 lots for single-family detached residences upon the Property subject to the following Stipulations:

STIPULATIONS

Design

1. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offences Concerning Dead Bodies and Graves) shall be followed.

Environmental

2. An ERP approved by SWFWMD shall be provided for review prior to Final Site Plan approval.
3. Prior to final plat approval, all nuisance exotic species shall be removed in accordance with Section 715.4 of the Land Development Code.
4. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
5. Underground or aboveground pollutant storage tank installation or removal must conform to the requirements of Chapter 62-761, Florida Administrative Code.
6. 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 and Construction Plans are approved.

Stormwater and Drainage

7. No adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.

Septic Systems

8. The size of homes within this project may be limited by the size, type, and design of septic systems approved for each individual lot.
9. The engineered design for all septic systems must be approved by the Manatee County Health Department prior to issuance of a Building Permit for each lot.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted: 1) for a project in the Coastal High Hazard Overlay; 2) for a project in the Coastal Storm Vulnerability Area; 3) for a project in the Coastal Evacuation Area; 4) for a project in the Coastal Planning Area; 5) for a project in the Historical and Archaeological Overlay; and 6) to waive the mandatory connection to the Manatee County public wastewater system. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the Project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for an alternative to Section 722.1.4.2 of the Land Development Code.

Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. 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 27th day of September, 2007.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: *Gregory Stein*

Chairman

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

BY: *R. B. Shore*
Deputy Clerk



EXHIBT "A"

LEGAL DESCRIPTION OF THE PROPERTY

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 27, TOWNSHIP 33 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE N89°59'11"W, ALONG THE SOUTH LINE OF SAID SECTION 27, A DISTANCE OF 202.00 FEET; THENCE NORTH, 9.9 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH, 356.40 FEET; THENCE N89°59'11"W, 260.00 FEET; THENCE SOUTH, 356.40 FEET; THENCE S89°59'11"E, 260.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.12 ACRES, MORE OR LESS.

RECEIVED
SEP 19 2007



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

October 11, 2007

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

FILED FOR RECORD
R. B. SHORE

2007 OCT 22 AM 8:34

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 3, 2007 and certified copies of Manatee County Ordinance Nos. 07-66, PDR-06-71(P), PDC-05-40(P)(R), PDMU-99-02(P), PDMU-97-05(P)(R3), Z-06-14, 07-30, Z-06-16, Z-07-01, Z-07-10, PDR-06-10(Z)(P), PDMU-06-80(G) and PDR-06-08(Z)(P) which were filed in this office on October 8, 2007.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dls.dos.state.fl.us>

COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
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LEGISLATIVE LIBRARY SERVICE
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RECORDS MANAGEMENT SERVICES
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