

MANATEE COUNTY ZONING ORDINANCE
PDR-00-18(Z)(P) - FRANK AND HAROLD BUSKIRK

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 AGRICULTURAL, 1 DWELLING UNIT PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 90 LOT SUBDIVISION FOR SINGLE-FAMILY DETACHED HOMES AT A DENSITY OF 2.3 DWELLING UNITS PER ACRE, AND GRANTING SPECIAL APPROVAL FOR A PROJECT EXCEEDING GROSS RESIDENTIAL DENSITY OF 2 DWELLING UNITS PER ACRE IN A RES-3 FLUC.

FILED FOR RECORD
MAR 29 2001
CLERK OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

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 Agricultural, 1 dwelling unit per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on February 27, 2001 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 a 90 lot subdivision for single-family detached homes at a density of 2.3 dwelling units per acre, and granting special approval for a project exceeding gross residential density of 2 dwelling units per acre in a RES-3 FLUC with the following stipulations:

STIPULATIONS

1. The lots adjacent to the northern property line shall have a minimum lot width of 75 feet. The remaining lots shall have a minimum lot width of 70 feet.

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2. The recreational facility will provide a commercial grade tot lot, benches, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan.
3. The Homeowner's Documents and Final Site Plan shall include a notice to inform 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.
4. All lots adjacent to active agricultural operations shall have an additional 35' setback. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the Final Plat.
5. A non-ingress egress easement shall be recorded along the frontage of all lots along Erie Road prior to Final Subdivision Plat.
6. Prior to Final Site Plan approval, a completed application for Fugitive Particulate Abatement must be submitted to the Environmental Management Department.
7. Drawings, details, or notes for Sedimentation and Erosion Control shall be submitted to the EMD for and approval, prior to Final Site Plan approval.
8. All existing wells shall be delineated on the Final Site Plan, with the well size indicated.
9. If applicable, a copy of all Water Use Permits shall be submitted to the EMD Water Well Permitting Program, with the Final Site plan.
10. 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.
11. The proposed structures located on lots designated 34 and 35 on the site plan, shall provide an additional 15' setback from the buffer in accordance with Section 702.6.10 of the Land Development Code.
12. The boundaries of the wetland buffers shall be marked with signs (up to 2 per lot) indicating that this is a wetland protection area. The number and location of such signs shall be approved by the Environmental Management Department with Final Site Plan approval. There shall also be a Notice To Buyers indicating which lots within the project have a wetland and buffer area on them, with a reference to the recorded Conservation Easement.
13. This site lies in the Middle Manatee River Drainage Basin, which is an area of known flooding. This site will be required to restrict the stormwater discharge rate to 50% of the pre-development rate.

- 14. The homeowner's documents and Final Site Plan shall include notice to inform homeowners of the presence of an interneighborhood tie to the property to the west. Traffic from that property, when developed, may use the roads within this development.
- 15. Prior to Final Plat approval, the applicant shall post a sign at the interneighborhood tie to inform prospective purchasers and residents of the future interneighborhood tie. The size, placement, and materials for this sign shall be determined with the Final Site Plan.
- 16. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
- 17. At the time of Final Site Plan, a pedestrian easement shall be shown to allow access between Woodlawn Lakes and the northwest corner of the property.

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.
 TRACTS 1 TO 8, INCLUSIVE, TAMIAMI FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 9, ALSO KNOWN AS THE NW 1/4 OF THE NW 1/4 OF SECTION 2, TOWNSHIP 34 SO., RANGE 18 EAST, MANATEE COUNTY.

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 27th day of February, 2001.

BOARD OF COUNTY COMMISSIONERS
 OF MANATEE COUNTY, FLORIDA

BY: Joe Milash
 Chairman



R. B. SHORE
 Clerk of the Circuit Court

[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 27th day of March, 2001
 R. B. SHORE
 Clerk of Circuit Court
 By: [Signature] D.C.

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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

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MAR 29 2001

BOARD RECORDS

March 26, 2001

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

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated March 22, 2001 and certified copies of Manatee County Ordinance Nos. PDR-00-07(Z)(G), PDR-00-15(Z)(G), PDR-00-18(Z)(P) and Z-00-13, which were filed in this office on March 26, 2001.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure