

MANATEE COUNTY ZONING ORDINANCE
PDR-00-20(Z)(P) - GARST EAST PROPERTY

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 A 69 LOT SUBDIVISION FOR SINGLE-FAMILY DETACHED HOMES, AND GRANTING SPECIAL APPROVAL FOR A PROJECT ADJACENT TO A PERENNIAL STREAM.

FILED FOR RECORD
R. B. SHORE
CLERK OF COUNTY COURT
MANATEE COUNTY, FLORIDA
JUL 9 1 39 PM '01

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

B. The Board of County Commissioners held a public hearing on June 26, 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 69 lot subdivision for single-family detached homes, granting Special Approval for a project adjacent to a perennial stream, with the following stipulations and specific approval:

STIPULATIONS

1. Dedication of right-of-way for the future 44th Avenue East is required at time of final site Plan and shall be approved by the Transportation Department prior to approval of the final Site Plan. All required setbacks shall begin at the new dedicated right-of-way.
2. Existing trees and vegetation within the common areas of this project shall be preserved.

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3. Existing native vegetation may be used in lieu of required plantings for the greenbelt. Existing native trees, shrubs, and ground covers within the buffers shall be delineated and marked prior to site development, and preserved to the maximum extent possible. Sufficient area around the trees and appropriately designed tree wells shall be required as determined by a registered Landscape Architect to reasonably guarantee their survival. Roadway and screening buffers may be enhanced and created consistent with Section 715 and 737 of the Manatee County LDC.
4. Prior to Final Site Plan approval, concurrency must be met relative to fire flow and drainage design.
5. Sidewalks shall be provided along the south side of 38th Avenue East.
6. The boundaries of the wetland buffers shall be marked with signs 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 that these lots are adjacent to wetland and buffer areas, with a reference to the recorded conservation easement.
7. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required when and if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
8. The Homeowner's Documents shall include a notice to inform homeowners that an interneighborhood tie for this project shall connect to a future roadway when development occurs on the property to the west and that traffic from the property may utilize the roads within this project.
9. The applicant shall provide the required 15' greenbelt buffer adjacent to the right-of-way for Street "A". This shall be shown on the Final Site Plan.
10. The "Notice to Buyer" shall contain language to inform buyers that Street "C" will be required to be connected to 44th Avenue East (a future arterial).
11. This project shall be required to reduce the calculated pre-development flow rate by 50% for all stormwater out-fall flow, directly or indirectly, into Sugar House Creek.
12. Street C shall be redesigned to include a cul-de-sac at the southern terminus.
13. Applicant shall be required to provide a 5' sidewalk along the 38th Avenue East frontage for the site, which shall connect to the sidewalk to be provided by the adjacent project to the west (Highland Ridge Subdivision). This will be required to be shown at Final Site Plan stage.
14. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous materials locations (i.e., historical cattle dipping vats, underground/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/mitigative measures.

15. A drainage, maintenance, and access easement shall be dedicated to Manatee County and provided from the top of the bank of Sugar House Creek and include the entire wetland, wetland buffers, and stormwater ponds adjacent to Sugar House Creek, through the length of this site. This easement shall be shown on the Final Site Plan and allow for the relocation of Sugar House Creek to improve drainage, subject to the availability of permits to do so.
16. Properties adjacent to the creek shall receive a copy of the construction drawing prior to approval.

SPECIFIC APPROVAL:

1. Specific Approval of an alternative to Section 907.9.4 of the Manatee County Land Development Code to allow a deadend roadway longer than the maximum 800'

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.

COMMENCE AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 89° 20' 03" W, ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 1338.58 FEET TO THE INTERSECTION WITH THE WEST LINE OF "LAZY 'B' RANCHES" SUBDIVISION, AS RECORDED IN PLAT BOOK 15, PAGES 82 & 83, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE S 00° 31' 33" E, ALONG THE WEST LINE OF SAID "LAZY 'B' RANCHES", A DISTANCE OF 228.05 FEET TO THE INTERSECTION WITH THE CENTERLINE OF A 36 FEET WIDE FLORIDA POWER & LIGHT COMPANY EASEMENT, AS DESCRIBED AND RECORDED IN O.R. BOOK 961, PAGE 957, OF SAID PUBLIC RECORDS; THENCE N 89° 20' 03" W, ALONG SAID CENTERLINE, PARALLEL TO THE NORTH LINE OF SAID SECTION 8, AND 228.0 FEET SOUTHERLY THEREFROM, A DISTANCE OF 1347.42 FEET TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE S.W. 1/4 OF SAID SECTION 5; THENCE N 00° 18' 56" W, ALONG THE EAST LINE OF SAID S.W. 1/4, AND SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 1499.41 FEET TO THE INTERSECTION WITH THE MAINTAINED SOUTH RIGHT-OF-WAY OF 36TH AVENUE EAST; THENCE S 89° 52' 01" E, ALONG SAID MAINTAINED SOUTH RIGHT-OF-WAY, 862.13 FEET TO A CONCRETE MONUMENT, HERINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUE S 89° 52' 01" E, ALONG SAID MAINTAINED SOUTH RIGHT-OF-WAY, 39.0 FEET, MORE OR LESS TO THE INTERSECTION WITH THE CENTERLINE OF AN EXISTING CREEK; THENCE SOUTHEASTERLY, ALONG THE SINUOSITIES OF SAID CREEK CENTERLINE, 770.0 FEET, MORE OR LESS TO THE INTERSECTION WITH THE WEST LINE OF SAID LAZY "B" RANCHES

SUBDIVISION; THENCE S 00° 41' 01" E, ALONG THE WEST LINE OF SAID LAZY "B" RANCHES SUBDIVISION, 32.0 FEET, MORE OR LESS TO A CONCRETE MONUMENT, SAID POINT LYING S 46° 00' 01" E, 669.48 FEET FROM SAID POINT "A"; THENCE CONTINUE S 00° 41' 01" E, ALONG THE WEST LINE OF SAID LAZY "B" RANCHES SUBDIVISION, A DISTANCE OF 820.00 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 5 & 8, TOWNSHIP 35 S., RANGE 18 E, MANATEE COUNTY, FLORIDA. CONTAINING 42.95 ACRES, MORE OR LESS.

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 26th day of June, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Joe M. Clast
Chairman



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

Susan G. Romine



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 2nd day of July, 2001.

R.B. SHORE
Clerk of Circuit Court
Susan G. Romine
D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

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Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
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FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

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Preservation Board
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July 6, 2001

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 letter dated July 2, 2001 and certified copy of Manatee County Ordinance No. PDR-00-20(Z)(P), which was filed in this office on July 6, 2001.

As requested, the original date stamped copy is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD
R. B. SHORE
CLERK OF CIRCUIT COURT
MANATEE COUNTY FLORIDA
JUL 9 1 39 PM '01

BUREAU OF ADMINISTRATIVE CODE

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