

MANATEE COUNTY ZONING ORDINANCE
PDR-01-13(Z)(G) - McCLURE PROPERTIES, INC./STONEBRIAR

FILED FOR RECORD
R. B. SHORE

2002 AUG 28 PM 1:37

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 ± 6.89 ACRES FROM A-1/WP-E/ST (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE/WATERSHED PROTECTION-EVERS/SPECIAL TREATMENT) TO PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/WATERSHED PROTECTION-EVERS/SPECIAL TREATMENT); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN ON ± 248.74 ACRES TO ALLOW 720 RESIDENTIAL LOTS (585-595 SINGLE-FAMILY DETACHED RESIDENCES, 125-135 SINGLE-FAMILY DETACHED RESIDENCES ON "ZIPPER LOTS" WITH ZERO FOOT SIDE YARD SETBACKS), AND A RECREATIONAL AREA, AND GRANTING SPECIAL APPROVAL TO A PROJECT PARTIALLY LOCATED WITHIN THE COASTAL PLANNING AREA AND THE EVERS WATERSHED OVERLAY DISTRICT.

2002 AUG 23 PM 3:59

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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 of ± 6.89 acres from A-1/WP-E/ST (Suburban Agriculture, 1 d.u./acre/Watershed Protection-Evers/Special Treatment) to PDR/WP-E/ST (Planned Development Residential/Watershed Protection-Evers/Special Treatment)

B. The Board of County Commissioners held a public hearing on July 30, 2002 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 General Development Plan is hereby APPROVED on ±248.74 acres to allow 720 residential lots (585-595 single-family detached residences, 125-135 single-family detached residences on "zipper lots" with zero foot side yard setbacks), and a recreational area, and GRANTING Special Approval to a project partially located within the Coastal Planning Area and the Evers Watershed Overlay District with the following stipulations and Specific Approval:

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STIPULATIONS

1. Land Use and Dimensional Standards
 - A. The "Revised Exhibit" sheet last revised on July 09, 2002, prepared by Zoller, Najjar and Shroyer, L.C. of the site plan submittal is incorporated by reference as the approved layout for the General Development Plan. Modifications to the exhibit shall be governed by Section 603.6 of the Land Development Code.
 - B. The maximum number of lots approved is 720. With each Preliminary Site Plan submittal, a Development Land Use Summary Table quantifying the total residential development for each pod and for the project shall be provided.
 - C. One hundred percent (100%) of Pods "A-1", "A-2", "B", and "C" shall be housing for older persons as defined in Section 760.29(4), Florida Statutes, as amended. The necessary restrictions required by State and Federal law to implement this shall be submitted for recording with each Final Subdivision Plat for the identified pods. Any deviation from this requirement shall require an amended site plan to be approved by the Board of County Commissioners. Larger lots and the provision of additional recreational amenities and other facilities needed for a broader range of residents may be required.
 - D. Lots in Pod "D" shall have a minimum width of 60 feet.
 - E. The minimum side yard setback in all pods, except Pod "A-1", shall be 7.5 feet.
 - F. The setbacks for the single-family residences that are developed with zero foot side yard setbacks (identified as zipper lots on the site plan) in Pod "A-1" shall be:
front: 15 feet residence/25 feet garage
rear: 15 feet
side: 0/15 feet*
* A 15 foot setback is required for the portion of building that abuts a 0 foot side yard setback on the adjacent lot.
 - G. The project site may continue to be used for agricultural activities, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use.
 - H. The site plans for Pods "A-1" shall be modified at time of Preliminary Site Plan approval so that more open space is abutting streets in order to provide relief to break up the repetition of development. The pod shall be designed so that retention areas, wetlands, or park sites have at least 200 feet of frontage along an interior street.

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2. Buffer

Prior to each Final Plat approval, a finished decorative wall of concrete, concrete block, or Styrofoam with stucco finish for noise reduction shall be provided or guaranteed by performance security.

- (1) Along all existing or future major thoroughfare roadways, except Prospect Road and Whitfield Avenue in Pod "D" at 6' feet in height.
- (2) In Pods "A-1" and "A-2", where lots abut Woodbridge Oaks at 6 feet in height.
- (3) In Pod "C", adjacent to the future pending commercial site at the corner of Lockwood Ridge Road and 63rd Avenue East (Honore Avenue) at 8 feet in height.

- B. A 15 foot wide landscape buffer shall be provided in Pod "C", adjacent to the future pending commercial site at the corner of Lockwood Ridge Road and 63rd Avenue East (Honore Avenue).

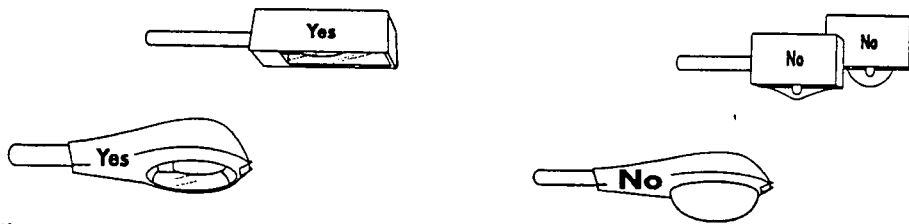
This buffer shall be planted with two staggered rows of canopy trees (3" caliper, 12' in height and 4' spread) with trees in each row 30 feet on center and installed or guaranteed by performance security prior to Final Plat approval.

- C. Residential units in Pod "A-1" and "A-2" shall not exceed 1 story in height or 20 feet.
- D. The required trees within the portion of the 15 foot greenbelt adjacent to Woodbridge Oaks, where the lots in this project are less than 60 feet in width shall be 5 inch caliper at time of Final Plat approval.
- E. All buildings in the Recreation Area shall maintain a 50 foot setback from Woodbridge Oaks.
- F. Required landscaping within roadway buffers along thoroughfare roadways shall be located on the exterior, facing the roadway or adjacent property.

3. Recreation

- A. Where park sites do not abut a local street, a 5 foot wide paved access path shall be provided and located within a 10 foot wide open space area from the street to the park site.
- B. A minimum of 5 shade trees, meeting the size standards of the Land Development Code, shall be planted or bonded in each park site prior to Final Plat approval for the particular phase. Any existing trees which meet the size standards of the Land Development Code that are preserved in this area may be used to satisfy this requirement.

- C. The Recreation Area shall be developed with a pool, tennis courts, and a 15,000 square foot clubhouse with a fitness center, card room, and craft center. These improvements shall be completed or guaranteed by a performance security prior to the Final Plat approval for the 100th unit east of Tuttle Avenue. Should the improvements be guaranteed by a performance security, all improvements shall be completed within 3 years or prior to the Final Plat approval for the 300th unit east of Tuttle Avenue, whichever occurs first.
- D. The design and shielding of any on-site lighting for the Recreation Area shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures.



4. Circulation

- A. The boulevard roadway entrance in Pod "B" shall be designed as two roadway sections with a 22 foot wide median unless a second means of access, pursuant to Section 712.2.8, Option 1, is provided prior to Final Plat approval for the 100th unit east of Tuttle Avenue.
- B. Right-of-Way, as shown on the GDP for Whitfield Avenue and Tuttle Avenue, shall be deeded to Manatee County prior to the first Final Plat approval. Such deed shall contain a use restriction to roadways, utilities, and related uses and shall contain a reverter for any portion that is replaced by ROW serving the same function. Said reverter to terminate once road is constructed.
- C. Tuttle Avenue Construction
 - (1) Tuttle Avenue, from Whitfield Avenue to the local collector street, shall commence construction or be guaranteed by a performance security, consistent with Section 722.3.2 of the Land Development Code, prior to the Final Plat approval in Pods "A-1", "A-2", or "D". However, in no event shall approvals be granted for any portion of the project for which this segment is needed to serve as the required second means of access, unless construction is included with such portion as set forth for Pods "A-1", "A-2", of "D" above.

For the segment of Tuttle Avenue, the developer shall be entitled to transportation impact fee credits, (if used as a required second means of access, then only to the extent such portion exceeds local road standards) pursuant to Section 806 of the Land Development Code, for dedication of right-of-way, land provided for stormwater facilities to accommodate such

roadway, land provided for wetland mitigation, and cost of engineering and construction.

- (2) Tuttle Avenue, from the local collector street to 63rd Avenue East (Honore Avenue), shall commence construction or be guaranteed by a performance security, consistent with Section 722.3.2 of the Land Development Code, prior to the first Final Plat approval in Pod "B". However, in no event shall approvals be granted for any portion of the project for which this segment is needed to serve as the required second means of access, unless construction is included with such portion as set forth for Pod "B" above.

For the segment of Tuttle Avenue, the developer shall be entitled to transportation impact fee credits, pursuant to Section 806 of the Land Development Code, (if used as a required second means of access, then only to the extent such portion exceeds local road standards) for dedication of right-of-way, land provided for stormwater facilities to accommodate such roadway, land provided for wetland mitigation, and cost of engineering and construction.

Tuttle Avenue shall be constructed as one half of a 4-lane divided roadway with street lights, a 4-foot wide bicycle lane, and a 5 foot wide sidewalk on one side. If the county acquires an additional 60 feet of right-of-way from the site to the northwest prior to or within 30 days after submittal of Final Site Plan submittal for Pod "B", then Tuttle Avenue shall be constructed as a 2-lane divided roadway with street lights, 4-foot wide bicycle lanes, and 5 foot wide sidewalks on both sides.

D. Whitfield Avenue Construction

- (1) Whitfield Avenue, from Tuttle Avenue to its current terminus at Sarapalms, shall commence construction or be guaranteed by a performance security prior to the first Final Plat approval for Pod "A-1".

Completion of this segment shall be one year after approval and satisfaction of all conditions of the Wildlife Management Plan by the US Fish and Wildlife Service and approval of any wetland impacts by the Manatee County EMD and the SWFWMD. However, prior to completion, in no event shall:

- a. A Final Plat for the 400th lot (or last subphase if developed with less than 400 lots) east of Tuttle Avenue be approved unless the performance security has been converted to a cash bond; and
- b. Approvals be granted for any portion of the project for which this segment is needed to serve as the required second means of access.

- (2) Whitfield Avenue, from Tuttle Avenue to Prospect Avenue, shall commence construction or be guaranteed by a performance security prior to the first Final Plat approval for Pod "D".

Completion of this segment shall be one year after approval and satisfaction of all conditions of the Wildlife Management Plan by the US Fish and Wildlife Service and approval of any wetland impacts by the Manatee County EMD and the SWFWMD. However, prior to completion, in no event shall:

- a. A Final Plat for the 100th lot (or last subphase if developed with less than 100 lots) west of Tuttle Avenue be approved unless the performance security has been converted to a cash bond; and
- b. Approvals be granted for any portion of the project for which this segment is needed to serve as the required second means of access.

Whitfield Avenue shall be constructed as a 2-lane divided roadway with street lights, 4-foot wide bicycle lanes, and 5 foot wide sidewalks on both sides.

The developer shall be entitled to transportation impact fee credits for Whitfield Avenue, pursuant to Section 806 of the Land Development Code, for dedication of right-of-way, land provided for stormwater facilities to accommodate such roadway, land provided for wetland mitigation, and cost of engineering and construction. Should such costs exceed the amount of credits projected to be usable for the development, after used for Tuttle Avenue, the County shall reimburse the developer for such excess costs within 90 days of completion of construction, acceptance by the Board, and an accurate submittal of all necessary documents, pursuant to a Participation Agreement to provide for such reimbursement.

- E. A roadway connection through Pod "D" will remain open to the public from Prospect to Tuttle Avenue until Whitfield Avenue from Prospect to Tuttle Avenue is open to vehicular access.
- F. All roads in the project shall be built above the one hundred year flood elevation.
- G. A 5 foot wide pedestrian connection between the cul-de-sacs in Pods "B" and "C", adjacent to 63rd Avenue East (Honore Avenue), shall be constructed or bonded prior to Final Plat approval for Pods "B" and "C"
- H. A five foot sidewalk shall be provided along both sides of the local collector roadway from Lockwood Ridge Road to Tuttle Avenue.
- I. If the streets in Pod "A-1" are dedicated to the public with the Final Plat, their design shall incorporate an inter-neighborhood tie to Woodbridge Oaks.

- J. If the streets in Pod "D" are dedicated with the Final Plat, an inter-neighborhood tie shall be provided in Pod "D" to the north.
 - K. Gates on private roadways shall be accessible to Emergency Services by either a remote control or siren activated system. The proposed system shall be approved by EMS and the Fire Marshall prior to Final Site Plan approval.
 - L. Realignment of Whitfield Avenue and the associated redesign if necessary of Pod "D" to accommodate the Wildlife Management Permit issued by the U.S. Fish and Wildlife Service shall not require submission of a revised General Development Plan and shall be approved administratively with the Preliminary Site Plan. Manatee County Transportation Department shall be given an opportunity to comment on the Wildlife Management Permit prior to its issuance.
5. Environmental
- A. At least 3 acres of the oak hammock in Pod "D" shall be conserved. This may be reduced to 2 acres if one acre of the forested area surrounding the existing residence in Pod "D" is preserved.
 - B. Prior to Final Plat approval of each phase or pod, all nuisance exotic plant species from the upland portions of the site shall be removed or included in a bond. An Exotic, Nuisance Plant Species Removal Plan for the upland portions of the development site shall be submitted to the EMD for review and approval prior to the first Final Site Plan approval.
 - C. Individual lots shall not be platted within post-development wetlands or wetland buffers.
 - D. The boundaries of the wetland buffers shall be marked with signs indicating that this is a wetland protection area. Such signs shall be approved by the Environmental Management Department with Final Site Plan approval. There shall also be a Notice To Buyers indicating the presence of wetlands and buffers, with a reference to the recorded conservation easement.
 - E. Prior to Preliminary Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., 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.
 - F. An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Environmental Management Department for review and approval prior to Final Site Plan approval. Unless otherwise approved by EMD, native or drought tolerant landscaping 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.

- G. A Well Management Plan for the proper rehabilitation/modification/abandonment of existing wells shall be submitted to EMD for review prior to the first Final Site Plan approval.
- H. Prior to the first Final Site Plan approval for any development within 750 feet of the existing eagle's nest, the developer shall obtain approval of a Wildlife Management Plan for eagles by the U.S. Fish and Wildlife Service (FWS). Development activities within 1,500 feet of the existing eagle's nest may be restricted during the eagle nesting season, as determined by the FWS. The approved plan shall be submitted to Manatee County prior to Final Site Plan approval.
- I. A Wetland Buffer Enhancement Plan shall be submitted to the EMD for review and approval prior to each Final Site Plan approval.
- J. A Construction Water Quality Monitoring Program and proposed sampling locations for water draining into Rattlesnake Slough shall be submitted to the EMD for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first.
- K. The Developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: (1) treated stormwater; and (2) non-potable quality groundwater. Prior to each Final Site Plan approval, the Developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems, including those on individual lots.

6. Drainage

- A. This project shall be required to reduce the calculated predevelopment flow rate by fifty percent (50%) of the allowable pre-development flow from the 25 year - 24 hour storm event discharge.
- B. All fill within the 100 year floodplain shall be compensated by creating storage of equal or greater volume.
- C. The stormwater management system shall be designed to OFW standards for the portion of the project within the Evers Watershed.

7. General

- A. The Notice to Buyer recorded with all Final Subdivision Plats shall include a notice and a map to inform homeowners of the presence of 5 major thoroughfares that exist or will be constructed in the future, including the future extension of Tuttle Avenue to the south with the existing Tuttle Avenue in The Trails subdivision.

- B. The Notice to Buyer recorded with the Final Subdivision Plats for Pod "C" shall include a notice to inform homeowners of the potential commercial site at the corner of Lockwood Ridge Road and 63rd Avenue Extension (Honore Avenue).
- D. Land clearing, except for removal of nuisance exotic species not involving soil disturbance shall not commence until a Final Site Plan and Construction Plans have been approved. Land clearing, tree removal, or grading shall be limited to the specific Phase receiving being considered for Plat approval plus the area necessary to provide related facilities for specific phase.
- E. Prior to Final Site Plan approval, the applicant shall make any required payment to County Affordable Housing Trust Fund or provide a clearance letter from Community Services that the home(s) removed from the site did not qualify as affordable housing.
- F. All wastewater lift stations, service cleanouts, and manhole rims shall be set 12 inches above the 25-year floodplain or 4 inches above the 100 year flood elevation, whichever is higher. However, Project Management may approve service cleanouts and manhole rims installed no lower than 4" above the 25 year flood elevation. Lift stations hatches shall always be at least 4" above the 100 year elevation or 12" above the 25 year flood elevation, whichever is higher.

SPECIFIC APPROVAL

1. Specific Approval of an alternative to Section 722.3.2 of the Land Development Code to complete Whitfield Avenue and the recreation facility.

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/WP-E/ST (Suburban Agriculture, 1 d.u./acre/Watershed Protection-Evers/Special Treatment) to PDR/WP-E/ST (Planned Development Residential/Watershed Protection-Evers/Special Treatment), 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.

ATTACHED AS EXHIBIT "A"


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 30th day of July, 2002, and corrected by the Board of County Commissioners on August 20, 2002.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Greg Stein*
Chairman

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

R. B. Shore




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 21ST day of AUGUST, 20 02

R. B. SHORE
Clerk of Circuit Court

By: *Nancy Harris* D.C.

THIS IS A CORRECTIVE DOCUMENT

ATTACHMENT A

COMMENCING AT THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, THENCE RUN S 00° 12' 10" E ALONG THE WEST LINE OF SAID SECTION 21, A DISTANCE OF 1330.65 FEET; THENCE S 89° 35' 32" E ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 21, A DISTANCE OF 1976.77 FEET TO THE POINT OF BEGINNING; THENCE S 00° 04' 24" E, A DISTANCE OF 1325.65 FEET; THENCE N 89° 44' 12" W, A DISTANCE OF 226.36 FEET; THENCE N 00° 04' 24" W, A DISTANCE OF 1326.22 FEET; THENCE S 89° 35' 32" E ALONG AFOREMENTIONED NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 226.36 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 6.89 ACRES.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



FLORIDA DEPARTMENT OF STATE
Jim Smith
Secretary of State
DIVISION OF ELECTIONS

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

August 26, 2002

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 letters dated August 21, 2002 and corrected certified copies of Manatee County Ordinance Nos. PDR-01-13(Z)(G) and PDPI-02-06(Z)(P), which were received in this office on August 23, 2002.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD
R. B. SHORE
2002 AUG 28 PM 1:37
CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA