

MANATEE COUNTY ORDINANCE NO. Z-88-35(C)

FPA CORPORATION/
DAHAN TRACT AT PALM AIRE

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP/ST (SUBURBAN AGRICULTURAL, 1 DU/ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) RETAINING THE WATERSHED PROTECTION AND SPECIAL TREATMENT OVERLAY DISTRICT AND APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN FOR 575 MIXED-RESIDENTIAL UNITS AT AN OVERALL DENSITY OF 1.84 DU/ACRE; PROVIDING AN EFFECTIVE DATE.

FILED
69 DEC 15 PM 1:26
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED FOR RECORD
K. J. SLOAN
CLERK OF COUNTY COMMISSIONERS
MANATEE CO., FLORIDA

Dec 19 11 29 AM '88

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/WP/ST (Suburban Agricultural, 1 du/acre) to PDR (Planned Development Residential) retaining the Watershed Protection and Special Treatment Overlay District and approval of a Conceptual Development Plan for 575 mixed-residential units at an overall density of 1.84 du/acre.

B. The said Board of County Commissioners held a Public Hearing on December 1, 1988, regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND 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. 80-4, THE MANATEE PLAN.

Section 2. The Conceptual Development Plan titled FPA Corporation, is hereby APPROVED to allow 575 mixed-residential units at an overall density of 1.84 du/acre with the following stipulations:

1. In the event that access is to be taken from Whitfield Avenue via private street, the developer, which currently owns this property, shall provide an easement to the property owners and to the Board of County Commissioners of Manatee County for ingress, egress, drainage and utilities prior to Final Development Plan approval for any portion of the project using such access. The private street shall be consistent with the design shown on the Conceptual Site Plan approved for this project. Boulevard sections of the private street shall be constructed to county standards with a twenty-four foot (24') wide roadway and a twenty foot (20') wide landscaped median strip. Other portions of the roadway

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shall be constructed twenty-four foot (24') wide and to county standards. Maintenance of such easement and roadways shall be performed by the property owners of the project, and adequate assurances for such maintenance shall be established consistent with the requirements of the Land Development Code for open space, and shall be provided prior to Final Development Plan approval for any portion of the project using such access. In the event of an amendment to the Conceptual Development Plan requiring public hearings, all adjacent property owners to the private street shall be notified of all of the public hearings. All county requirements as to access shall be met for the development.

2. On all Preliminary Development Plans submitted, retention ponds shall be located outside of jurisdictional wetlands unless otherwise permitted by DER and SWFWMD, as applicable.
3. A tree inventory and replacement plan shall be submitted with each Preliminary Development Plan. Sixty percent (60%) of the trees to be replaced shall be indigenous, drought-hardy species.
4. Prior to each Final Development Plan approval, all state and federal permits shall be obtained for development activity in jurisdictional wetlands affected by that Final Development Plan.
5. A conservation easement shall be shown on each Preliminary Plan. Such easement shall include all state and federal jurisdictional lands, plus a fifty foot (50') buffer adjacent to the wetlands. This easement shall be granted to Manatee County and shall specifically preclude the placement of any structures, dumping of any materials, removal or destruction of any vegetation, or excavation of any substance within its limits, except for those activities for which a dredge and fill permit has been obtained from the Department of Environmental Regulation, or other appropriate agency. The easement shall exclude approved roadway and utility crossings in the fifty foot (50') buffer area.
6. If a bridge crossing Rattlesnake Slough is permitted by the appropriate state or federal agencies, it shall be designed so that bridge abutments are placed landward of wetland vegetation as defined by the FDER.
7. Two means of access shall be shown on the Preliminary Development Plan/Plat for each development pod that contains over fifty (50) units. Additionally, prior to construction of the fifty-first unit in the overall project, two means of access shall be constructed to County standards extending from Whitfield Avenue to the project site. All means of access and all internal roads shall be constructed to County standards and approved by Manatee County. Costs associated with the construction of adequate means of access shall be borne by the developer.
8. Stormwater management system design shall meet or exceed the guidelines of the Evers Reservoir Watershed Plan. The design shall incorporate Best Management Practices as defined by the County; be based on site specific data reflecting seasonal variations (ground and surface water quality and quantity); and seek to maintain water quantity contributions to the Braden River.
9. Prior to Final Development Plan approval, a monitoring and maintenance program for water quality, water quantity (including ground water balance) and flow rate shall be submitted to the County for review and approval. The monitoring

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program shall include pre-construction baseline monitoring, and an approved on-going monitoring program to be initiated beginning at the start of the construction and continuing for the life of the project. Compliance monitoring programs shall be approved by the County. If the established quality and quantity parameters are violated by activity occurring on the Dahn Property during construction, the County may issue a Stop Work Order until such time as the violations are corrected. Violations shall be subject to other appropriate enforcement action.

10. The applicant shall submit construction drawings to the Manatee County Pollution Control Department showing plans for control of erosion and turbid runoff in compliance with the Southeast Area Task Force recommendations for development in the Lake Evers Reservoir Watershed as approved by the Board of County Commissioners (Evers Reservoir Watershed Plan).
11. The developer shall establish homeowners associations for the residential portion of the project. The homeowners associations shall warrant, by bond or other mechanism acceptable to the County, in accordance with the Evers Reservoir Small Area Plan requirements, the performance of the stormwater management system in compliance with County and State standards, for five (5) years beyond the buildout period of development within each hydrologic unit. After buildout, the homeowners associations or Special District, if applicable, shall be responsible for stormwater monitoring data collection and reporting, and the operation, maintenance, renewal and replacement of the stormwater management systems as required in this development approval. The County shall have the authority to inspect such systems and assess the associations, individual properties, or Special District for continuing performance of the systems in compliance with the standards set forth in the monitoring programs.
12. Prior to each Final Development Plan approval, a plan for erosion and sedimentation controls shall be submitted to and approved by Manatee County.
13. Stormwater discharge, either direct or indirect, shall not cause any receiving water of the state, as defined by Florida law, to violate those limits set forth in Class I potable water supplies and surface water general criteria of Chapter 17-3, the Florida Administrative Code, or any other applicable state or local regulation that may be adopted at a later date. Evidence of compliance with this stipulation shall be submitted and reviewed pursuant to the monitoring programs specified in stipulation #9.
14. Prior to the Final Development Plan approval for each phase in the Low Intensity Sub-Area, the applicant must show that stormwater management structures/practices conform to Outstanding Florida Waters (OFW) regulations (provide 150% of the treatment required by Chapters 17-25 of the Florida Administrative Code). Designs for these stormwater management structures must be incorporated in SWFWMD surface water management permits, and proof of permit must be demonstrated by the applicant.
15. FPA shall submit an annual report detailing progress on the development through the period of completion of all phases of the project. The report shall be submitted on the anniversary date of this Conceptual Development Plan approval. Reports shall be submitted annually and shall:

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- a. Identify any changes in the proposed plan of development, phasing or the presentation for development contained therein, made since the last progress report, including a summary of the number of units and densities proposed to be located in the low intensity sub-area for each phase.
 - b. Describe development activities since the last annual report including a summary of development to date.
 - (1) Residential units, (by type), (location).
 - c. Describe development activity proposed to be conducted in the year immediately following.
 - d. Describe access and roadway improvements made since the last annual report.
 - e. Identify dates of agreements on all stipulated conditions since the last annual report. If no agreement has been reached, so indicate. If agreement has been reached, identify the date of the agreement.
 - f. Set forth the names and addresses of any assignees or successors in interest to this development.
16. Ten copies of the annual report shall be submitted to the Manatee County Planning and Development Department.
 17. A detailed Phase Plan shall be submitted with each Preliminary Plan including the proposed number, type and location of all dwelling units, proposed access points and all proposed improvements including drainage and utilities.
 18. The roadway connecting with Natalie Way shall be known as the Saunders Road extension or 63rd Avenue East (not Natalie Way) south and east of the intersection. The 63rd Avenue East extension shall be designed for a minimum speed of 40 MPH.
 19. Development of this project shall conform to the Manatee County Major Thoroughfare Plan and a traffic impact study shall be submitted with the Preliminary Development Plan for each phase of the project at the time of any Preliminary Plan approval for any phase.
 20. Prior to use of the proposed Golf Course, the Director of Planning shall certify through the issuance of a Certificate of Occupancy for the clubhouse that all utility and impact fees have been paid relative to the golf course, clubhouse and related improvements.
 21. Timing of Natalie Way road construction would be determined at the time of Preliminary Development Plan approval for the first phase of the project.
 22. At time of submittal of each Preliminary Development Plan, the Engineer of Record shall provide evidence to the Planning Department that the soils on site will be suitable for the proposed construction.
 23. The Developer shall formulate guidelines for the maintenance of the golf courses that include and address the use and proper storage of herbicides, pesticides, and fertilizers. These guidelines must be established and approved in accordance with any adopted standards of Manatee County Pollution Control prior to commencement of development and issuance of permits.

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24. The FPA Corporation subdivision developer, its heirs, assigns, or transferees is hereby notified that an impact fee for school purposes when adopted by the Manatee Commission, may require the payment of such impact fees for this development.

Section 3. AMENDMENT OF OFFICIAL ZONING ATLAS The official Zoning Atlas of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1/WP/ST (Suburban Agricultural, 1 du/acre) to PDR (Planned Development Residential) retaining the Watershed Protection and Special Treatment Overlay District and approval of a Conceptual Development Plan for 575 mixed-residential units at an overall density of 1.84 du/acre, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning and Development Department are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. Legal Description:

Begin at the northwest corner of Section 22, Twp. 35 S., Rge 18 E., Manatee County, Florida (also being the northeast corner of Section 21, Twp. 35 S., Rge. 18 E.); thence run S 89°44'16" E, Page 5 - Z-88-35(C) - FPA Corporation/Dahn Tract at Palm Aire

along the north line of the NW 1/4 of said Section 22, 1844.95 ft., to the intersection with the west line of the east 800 ft. of said NW 1/4; thence S 00°05'46" E, along the west line of said east 800 ft., a distance of 2646.47 ft., to the intersection with the north line of the SW 1/4 of said Section 22; thence S 89°22'15" E, along the north line of said SW 1/4, 800.06 ft., to the northeast corner of said SW 1/4; thence S 00°03'45" E, along the east line of said SW 1/4 1352.45 ft., to a concrete monument (PRM #858) marking the northeast corner of "Palm Aire at Sarasota Unit No. 7, Phases II and III" a subdivision, as recorded in Plat Book 21, Pages 177 thru 179, Public Records of Manatee County, Florida; thence N 88°59'28" W, along the north line of said "Palm Aire at Sarasota Unit No. 7, Phases II and III" and the north line of "Palm Aire at Sarasota Unit No. 7, Phase IV" a subdivision as recorded in Plat Book 22, Pages 197 thru 199, aforesaid Public Records, a distance of 2138.69 ft., to the northwest corner of said Palm Aire at Sarasota Unit No. 7, Phase IV;" thence N 00°54'49" E, along the northerly extension of the west line of said Unit No. 7, Phase IV, 19.29 ft., to the intersection with the south line of the north 1/2 of the SW 1/4 of said Section 22; thence N 89°10'57" W, along the south line of said north 1/2 of the SW 1/4, 506.51 ft., to the southeast corner of the NE 1/4 of the SE 1/4 of Section 21, Twp. 35 S., Rge 18 E; thence N 89°40'04" W, along the south line of said NE 1/4 of the SE 1/4, 1322.58 ft., to the southwest corner of said NE 1/4 of the SE 1/4; thence N 00°05'42" W, along the west line of said NE 1/4 of the SE 1/4, 1316.41 ft., to the southwest corner of the east 1/2 of the NE 1/4 of said Section 21; thence N 00°01'54" W, along the west line of said east 1/2 of the NW 1/4, 2640.55 ft., to the northwest corner of said east 1/2 of the NE 1/4; thence S 89°27'02" E, along the north line of said east 1/2 of the NE 1/4, 1319.90 ft., to the point of beginning, being and lying in Sections 21 and 22, Twp. 35 S., Rge. 18 E., Manatee County, Florida.

Containing 313.19 acres more or less.

Dahn Property #4243, 11/17/86, WLM,PJB

Section 5. EFFECTIVE DATE This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

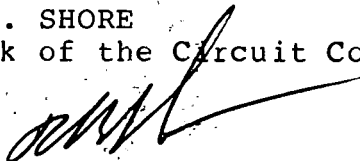
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PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 1st day of December, 1988.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: K. G. Chittam
Chairman

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



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STATE OF FLORIDA
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 1st day of December, 1988.

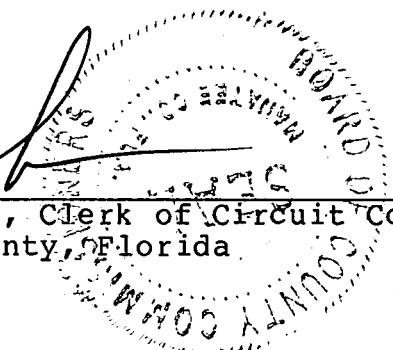
SUBJECT: Z-88-35(C)
~~DAH~~ TRACT AT PALM AIRE

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP/ST TO PDR RETAINING THE WATERSHED PROTECTION AND SPECIAL TREATMENT OVERLAY DISTRICT AND APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN FOR 575 MIXED-RESIDENTIAL UNITS AT AN OVERALL DENSITY OF 1.84 DU/ACRE; PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 7th day of December, 1988, in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



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FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State
DIVISION OF ELECTIONS
Room 1802, The Capitol
Tallahassee, Florida 32399-0250
(904) 488-8427

December 16, 1988

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of December 8, 1988
and certified copy/ies of Manatee
County Ordinance(s) 88-46, 88-47, & Zoning Z-88-35(C)
Z-88-38(C), and Z-88-47
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~the~~/these ordinances in this office
on December 15, 1988. (1:26 pm)
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (5)

FILED
CLERK OF CIRCUIT COURT
MANATEE COUNTY FLORIDA

DEC 19 11 28 AM '88