

FILED FOR RECORD  
R. B. SHORE

2006 MAY -5 AM 11:54  
MANATEE COUNTY ZONING ORDINANCE  
PDMU-05-21(P) – MALCO INDUSTRIES/ROYAL PALM TOWNHOUSES

MAN ORDNANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 74 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCES ON APPROXIMATELY 34.49 ACRES; GENERALLY LOCATED AT THE WEST SIDE OF 33<sup>RD</sup> STREET EAST, NORTH OF BRIARWOOD SUBDIVISION; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; GRANTING SPECIAL APPROVAL FOR A PROJECT ADJACENT TO A PERENNIAL STREAM; GRANTING SPECIFIC APPROVAL FOR ALTERNATIVES LAND DEVELOPMENT CODE SECTIONS 710.1.5.1.2, 907.9.3 AND 907.9.4.2; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Malco Industries (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 34.49 acres described in Exhibit "A", attached hereto, (the "Property") for 74 lots for single-family attached residences; and

**WHEREAS**, the Applicant has also request Special Approval for a project adjacent to a perennial stream; and

**WHEREAS**, the Applicant has also requested Specific Approval for alternatives to Sections 710.1.5.1.2, 907.9.3, and 907.9.4.2 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 March 9, 2006 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 Preliminary Site Plan, Special Approval and Specific Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval of the application, subject to the stipulations contained in the staff report; and

**WHEREAS**, the Board of County Commissioners has determined that the public purpose and intent of LDC Sections 710.1.5.1.2, 907.9.3 and 907.9.4.2 have been satisfied to an equivalent degree by the design of the project.

**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.

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PLANNING DEPARTMENT  
MANATEE COUNTY, FLORIDA

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 April 4, 2006 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 Board finds that the public purpose and intent of Sections 710.1.5.1.2, 907.9.3 and 907.9.4.2 have been satisfied to an equivalent degree by the project design and hereby grants Specific Approval for an alternative to Section 710.1.5.1.2 allowing an alternative design for backing onto a right-of-way at the clubhouse, 907.9.3 a reduction in right-of-way width at certain locations from 50' to 43' and 907.9.4.2 a dead street exceeding 800 feet in length.

D. 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.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to allow 74 lots for single-family attached residences. The Board hereby grants Specific Approval for alternatives to Sections 710.1.5.1.2, 907.9.3 and 907.9.4.2 of the Land Development Code, with the following stipulations:

#### STIPULATIONS

1. Prior to Final Plat or Condominium Plat approval, the sidewalk along the west side of 33<sup>rd</sup> Street East shall be extended to the north and south to connect to existing sidewalks on this road.
2. Barriers or signs, acceptable to the Transportation Department, shall be provided between the proposed street and paved emergency access in the area east of Unit 61.
3. The minimum clearance from the sidewalk to the garage shall be a minimum of 26.5 feet. This shall be shown on the Final Site Plan.
4. A multi-purpose irrigated, 100 by 200-foot playfield with shaded seating, approved by the Parks Department, shall be shown on the Final Site Plan. The playfield shall be maintained by the homeowner's association.
5. A seven (7') foot high opaque wall (precast concrete or equivalent) shall be located along the southern property line from the 1.21 acre wetland east to 33<sup>rd</sup> Street East. The wall shall be setback approximately 25 feet from the property line and so located to

preserve existing trees. In the three locations where there are existing tree clusters (see Exhibit C), the developer may deviate from the 25' setback and will meander the fence a distance of 15' to 25' from the adjacent property boundary to minimize impacts to these clusters. At these locations, the developer may utilize PVC panels in lieu of precast concrete or equivalent.


6. In addition to trees, existing native ground cover and shrubs within the 50 foot buffer on the south side of the project shall be preserved.
7. Overhead and underground power lines, swales, or stormwater facilities within any landscape buffer shall not be permitted.
8. This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Pearce Drain. Modeling shall be used to determine pre- and post- development flows.
9. Any fill within the 25-year or 100-year floodplains of the Collins Dairy Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
10. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along Collins Dairy Drain within the project Boundaries. In addition, a twenty-five (25) feet wide Drainage-Maintenance Access Easement shall be provided along the south side of the drain. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Landscaping/Greenbelt Buffers shall be located outside of the Drainage Maintenance and Access Easement. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
11. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
12. All habitable structures shall be located outside of the post-development 25-year floodplain.
13. Building elevations shall be substantially consistent with those attached as Exhibit B.
14. In lieu of replacing all trees on site, the developer may utilize the alternatives set forth in Section 714.8, Tree Replacement Alternatives, of the LDC. The tree replacement alternative for this project shall be finalized prior to Final Site Plan Approval.
15. All trees within the 100' buffer adjacent to Briarwood shall be preserved.
16. The trees as identified on the site plan as remaining in the 20' buffer along 33<sup>rd</sup> Street East shall be preserved.

Section 3. 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 invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 4. 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 6<sup>th</sup> day of April, 2006.

**BY: BOARD OF COUNTY  
COMMISSIONERS  
MANATEE COUNTY, FLORIDA**

BY:   
Chairman



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

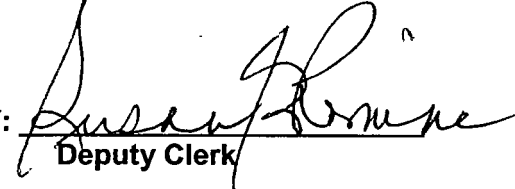
BY:   
Deputy Clerk

EXHIBIT "A"  
LEGAL DESCRIPTION OF THE PROPERTY

COMMENCE AT THE NORTHEAST CORNER OF THE N. W. ¼ OF SECTION 17, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S.00°05'36"E., ALONG THE EAST LINE OF SAID N. W. ¼ A DISTANCE OF 1997.95 FEET TO THE NORTHEAST CORNER OF THE SOUTH ¼ OF SAID N.W. ¼; THENCE S. 89°50'15"W., ALONG THE NORTH LINE OF SAID SOUTH 1 /4 OF THE N.W.1/4, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE, S.89°50'15" W., ALONG SAID NORTH LINE, A DISTANCE OF 2573.72 FEET TO AN INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT OF WAY LINE OF U.S. HIGHWAY 301; THENCE NORTHERLY ALONG SAID EASTERLY LIMITED ACCESS RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) N.06°25'14"E., A DISTANCE OF 126.75 FEET; (2) N.00°59'38"E., A DISTANCE OF 200.16 FEET TO AN INTERSECTION WITH THE APPROXIMATE CENTERLINE OF COLLINS DAIRY DRAIN; THENCE EASTERLY ALONG SAID CENTERLINE OF THE FOLLWING EIGHT (8) COURSES: (1) N.77°34'11"E, A DISTANCE OF 105.00 FEET; (2) N.61°40'12 "E., A DISTANCE OF 249.68 FEET; (3) S.89°36'24"E., A DISTANCE OF 198.44 FEET; (4) N.81°17'39"E., A DISTANCE OF 201.59 FEET; (5) S.88°48'18"E., A DISTANCE OF 293.11 FEET; (6) N.82°07'13"E., A DISTANCE OF 519.61 FEET; (7) N.58°19'14"E., A DISTANCE OF 43.89 FEET; (8) N.61°46'06"E., A DISTANCE 64.73 FEET; THENCE N.10°15'00"E., A DISTANCE OF 98.08 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 105.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°51'00", A DISTANCE OF 109.68 FEET TO A POINT OF TANGENCY; THENCE N.70°43'00"E., A DISTANCE OF 303.99 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 500.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°00'36", A DISTANCE OF 43.72 FEET; THENCE N.00°12'34" W., A DISTANCE OF 169.70 FEET; THENCE N.89°07'40" E., A DISTANCE OF 517.13 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF 33<sup>RD</sup> STREET EAST; THENCE S.00°05'36"E., ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1074.03 FEET TO THE POINT OF BEGINNING LYING AND BEING IN SECTION 17, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 38.49 ACRES MORE OR LESS.

# Windward Homes <sup>SM</sup>

a K. Hovnanian company

Proposed Town Home Product Exterior Designs



Exhibit B





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 26<sup>th</sup> day of

April 2006.

R.B. SHORE  
Clerk of Circuit Court

By: Diane E. Vollmer



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R. B. SHORE

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CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT OF STATE  
**Sue M. Cobb**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

May 3, 2006

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

Attention: Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 26, 2006 and certified copy of Manatee County Ordinance No. PDMU-05-21(P), which was filed in this office on May 1, 2006.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp

Enclosures