

FILED FOR RECORD
2001 OCT 23
CLERK: RUCI PLAT
2001 OCT 23
Nov 1 10 35 AM '01

MANATEE COUNTY ZONING ORDINANCE
PDR-01-06(Z)(P) - ELDER TRUST & DEREL TRUST/MEADOWPOND

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 RSMH-6 (RESIDENTIAL MANUFACTURED HOME, 6 DWELLING UNITS PER ACRE) AND A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 255 SINGLE-FAMILY DETACHED UNITS AND 97 SINGLE-FAMILY ATTACHED UNITS, AND GRANTING SPECIAL APPROVAL FOR A PROJECT TRANSFERRING DENSITY FROM ONSITE WETLANDS TO UPLAND PORTIONS OF THE SITE.

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 RSMH-6 (Residential Manufactured Home, 6 dwelling units per acre) and A (General Agriculture, 1 dwelling unit per 5 acres) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on October 23, 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.

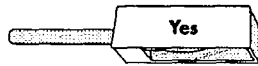
Section 2. The Preliminary Site Plan is hereby APPROVED to allow 255 single-family detached units and 97 single-family attached units, and granting Special Approval for a project transferring density from onsite wetlands to upland portions of the site with the following stipulations:

STIPULATIONS

1. The single-family attached buildings shall be limited to a maximum of 2 stories and 35 feet in height.

FILED
2001 OCT 23 9 PM 4:30
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2. All single-family detached homes will contain a minimum of 1,200 sq. feet. All single-family attached homes will contain a minimum of 1,000 sq. feet.
3. The design and shielding of any on-site lighting shall comply with Section 709.2.2. In addition, pole mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures.



4. A minimum ½- acre recreation area, which includes benches and commercial grade play equipment, will be provided in the single-family attached portion of the project and details shall be shown on the Final Site Plan.
5. A 20' wide non-ingress/egress easement shall be recorded along the front property lines abutting U.S. 301 and vehicular access shall be prohibited except for the access points shown on the Preliminary Site Plan.
6. The right of way for the two (2) inter-neighborhood ties shall be dedicated the property line.
7. Temporary turn-arounds, corresponding to the phasing, will be shown on the Final Site Plan.
8. Right-of-ways for cul-de-sacs shall be 110 feet in diameter.
9. Minimum side yard setbacks for all single-family detached lots shall be seven and a half (7.5) feet.
10. The applicant shall provide the following landscape buffers, which shall meet the planting requirements found in Section 715.5 of the LDC:
 - a. 25' wide roadway buffer along property frontage on U.S. 301 N. This buffer shall achieve 80 % opacity to a height of 6 feet within 2 years.
 - b. 15' wide landscape screening buffer between single-family detached lots and single-family attached lots.
 - c. To the maximum extent possible, the existing indigenous vegetation, will remain in the open space areas and be utilized to meet the above buffering and screening requirements.
11. All existing oak trees, with a 4" caliper or greater, located within 300' of the northeast corner of the project shall remain. The retention area shown at this location shall be redesigned on the Final Site Plan to allow preservation of these trees.

12. The Notice to Buyer and Final Site Plan shall include a notice to inform homeowners of the presence of neighboring agricultural uses, including possible use of pesticides and herbicides and of odors and noises associated with agricultural uses.
13. 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.
14. This site lies in the "Frog Creek" Drainage Basin, a known flood prone area, and will require a 50% reduction of the predevelopment flow rate. Modelling shall be used to determine pre and post development flows.
15. Boundaries of the wetland buffers shall be marked with signage that indicates a wetland protection area. The number and placement shall be approved by EMD with Final Site Plan approval.
16. A fifteen foot building setback shall be provided between the upland edge of the wetland buffer and any adjacent structures in accordance with Section 702.6.10 of the LDC, unless otherwise approved by EMD.
17. Prior to the Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., 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. Results of the evaluation should be submitted to EMD.
18. At the proposed main project access on U.S. 301, Applicant will provide separate southbound right-turn and left-turn lanes from the site.
19. At the proposed main project access on U.S. 301, Applicant will provide a westbound right-turn lane, in the U.S. 301 right-of-way, into the site.
21. At the proposed main project access on U.S. 301, Applicant will provide an eastbound left-turn lane, in the U.S. 301 right-of-way, into the site.
22. All access driveways shall provide adequate intersection sight distance in agreement with AASHTO green book guidelines. Please depict the sight distance on the Final Site Plan.
23. Unless otherwise approved by EMD, native, xeriscape landscape materials shall be utilized in common areas. In addition, the developer shall encourage individual homeowner's to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
24. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.

25. The Notice-To-Buyers and Final Site Plan shall include language to inform homeowners of the Planned Development Office and Planned Development Commercial zoning to the east of this property.
26. The eastern boundary of the project shall be marked with signs (up to 1 per lot) indicating that the adjoining area is zoned PDO and PDC for office and commercial uses. The number and location of such signs shall be approved by the Planning Department with Final Site Plan approval.
27. The developer shall construct a 6' high opaque decorative fence along the northern property line, including lots 120 -124. The required perimeter landscaping shall be located outside of the fence and shall achieve 80% opacity to a height of 6' within 2 years.
28. To the maximum extent possible existing native vegetation will be preserved to meet screening requirements.
29. The Notice-To-Buyers and Final Site Plan shall include language to inform homeowners of the single-family attached component of the project and shall include a copy of the site plan showing the location of the single-family attached units.
30. All single-family attached units will have garages. No on street parking will be allowed.
31. The applicant shall remove all nuisance exotics species and preserve the oaks and wax myrtles within the 25' of additional right-of-way that is to be dedicated.
32. Single-family attached homes adjacent to U.S. 301 shall be limited to one story in height.
33. The design of the integrated pedestrian pathway system shall be in substantial conformance with the design renderings entered into the record for this case, except for the trail along the northern boundary line.
34. The Notice-To-Buyers and Final Site Plan shall include language to inform homeowners of the right-of-way width for U.S. 301 which was dedicated to allow for possible future construction of a 6 land divided roadway.
35. The developer shall provide an easement to Manatee County to accept stormwater for the U.S. 301 right-of-way to accommodate roadway expansion along with a right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County.

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 RSMH-6 (Residential Manufactured Home, 6 dwelling units per acre) and A (General Agriculture, 1 dwelling unit per 5 acres) 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.

FROM A CONCRETE MONUMENT FOUND AT THE SOUTHWEST CORNER OF SECTION 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST; THENCE N 00° 32' 23" W, ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 2759.37 FEET TO A CONCRETE MONUMENT FOUND AT THE WEST 1/4 CORNER OF SAID SECTION 31; THENCE N 00° 16' 37" E, ALONG SAID WEST LINE, A DISTANCE OF 1024.57 FEET TO A CONCRETE MONUMENT FOUND; THENCE N 89° 02' 24" E, A DISTANCE OF 1686.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89° 02' 24" E, A DISTANCE OF 1019.29 FEET; THENCE N 00° 05' 21" W, A DISTANCE OF 336.93 FEET; THENCE N 89° 57' 34" E, A DISTANCE OF 1596.95 FEET; THENCE S 02° 37' 32" E, A DISTANCE OF 311.36 FEET; THENCE S 89° 02' 24" W, A DISTANCE OF 229.93 FEET; THENCE S 00° 25' 57" E, A DISTANCE OF 1753.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. 301 (STATE ROAD 43) (150 FOOT WIDE); THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES: (1) S 60° 04' 56" W, A DISTANCE OF 875.86 FEET; (2) 60° 06' 11" W, A DISTANCE OF 1375.48 FEET; (3) S 60° 04' 51" W, A DISTANCE OF 499.03 FEET; THENCE N 00° 32' 23" W, A DISTANCE OF 3084.77 FEET TO THE POINT OF BEGINNING.
LYING AND BEING IN SECTION 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.
SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.
CONTAINING 145.11 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 23rd day of October, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *J. Milas*
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 25th day of October, 2001

R. B. SHORE
Clerk of Circuit Court

BY: *R. B. Shore*

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



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

Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

October 30, 2001

FILED FOR RECORD
NOV 1 10 35 AM '01

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 October 25, 2001 and certified copies of Manatee County Ordinance Nos. PDMU-92-01(Z)(G)(R7) and PDR-01-06(Z)(P), which was filed in this office on October 29, 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

BUREAU OF ADMINISTRATIVE CODE
The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us