

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-01-19(Z)(G) - TWIN RIVERS II

2002 MAY 15 PM 3:08

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 (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 400 LOTS FOR SINGLE-FAMILY DETACHED HOMES AT A GROSS DENSITY OF 0.99 DWELLING UNITS PER ACRE, AND GRANTING SPECIAL APPROVAL FOR A PROJECT WHICH IS AT LEAST PARTIALLY WITHIN THE COASTAL EVACUATION AREA.

CLERK OF THE DISTRICT COURT
MANATEE CO. FLORIDA
2002 MAY 13 AM 9:17
DEPARTMENT OF STATE
TALLAHASSEE FLORIDA

FILED

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 (General Agriculture, 1 dwelling unit per 5 acres) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on February 26, 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 to allow 400 lots for single-family detached homes at a gross density of 0.99 dwelling units per acre, and GRANTING Special Approval for a project which is at least partially within the Coastal Evacuation Area subject to the following stipulations and Specific Approval:

STIPULATIONS

1. The Preliminary/Final Site Plan(s) shall provide the following buffers:
 - a. The roadway buffer along both sides of Mulholland Road (wherever there are no Lots abutting or taking access on the road) shall be a minimum of 20' wide and

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shall be planted with one row of canopy trees of 3" caliper and at least 12 feet in height, 25' on center, with the required hedge.

- b. The roadway buffer along Golf Course Road shall be a minimum of 35' wide. The existing native vegetation within this buffer shall be preserved to the extent possible and enhanced, as needed, with native vegetation in areas where little or no vegetation exists. The goal of the supplemental plantings shall be to achieve a buffer similar to the existing buffer in the natural areas. There shall be no change in grade, use of drainage swales, or decorative fences permitted within this natural area. Lots may be platted through such buffer. Based upon the efforts to preserve the native vegetation, irrigation shall not be required in such buffer where existing native vegetation fulfills the buffer requirements.
 - c. A 50' greenbelt buffer shall be provided along the east property line. The east 20 feet shall be designated as a public access easement. The existing native vegetation within the entire buffer shall be preserved. The west 30 feet of this buffer shall be enhanced, as needed, with native vegetation in areas where little or no vegetation exists. The goal of the supplemental plantings shall be to achieve a visual buffer similar to the existing buffer in the natural areas. There shall be no change in grade, use of drainage swales, or decorative fences permitted within this entire buffer. In addition, a four foot hog wire fence shall be installed along the eastern property boundary, exclusive of wetlands or wetland buffers, in areas where a fence does not exist (this would include fences on adjacent properties). The fence installation shall only be required where tree removal will not be necessary. Individual homeowners may be permitted to install hog wire fencing along their eastern property line abutting the 20 foot public access easement. Lots may be platted through the west 30 feet of this buffer. Based upon the efforts to preserve the native vegetation, irrigation shall not be required in such buffer where existing native vegetation fulfills the buffer requirements.
2. The Preliminary Site Plan/Final Site Plan(s) shall be redesigned to show a 100' minimum lot width and a minimum lot size of 30,000 square feet for lots with reverse frontage along Golf Course Road. Only the two westernmost lots may take access on Golf Course Road, and they shall be a minimum of 1 ½ acres. These western 2 lots may maintain horses on site for private use. No commercial use may be allowed.
 3. The Preliminary/Final Site Plan(s) shall show a 100' minimum lot width along the east property line and such lots shall be a minimum of 18,000 square feet.
 4. All perimeter lots along Golf Course Road and east property line shall have a 75' building setback from the project property line.
 5. The Preliminary Plat and Final Site plan shall be redesigned to show a minimum lot size of 17,000 sq.ft. except for the east and north property lines as stipulated in #2 and #3 above.
 6. The applicant shall be responsible for bringing County water and sewer to the site. This approval is contingent upon the site being served by public utilities.

7. No individual lots shall be platted into wetlands, or stormwater retention ponds, with the exception of lot(s) specifically approved by the Planning Director due to the unusual shape, size of location of a wetland located thereon. A conservation easement in favor of Manatee County shall be established across all wetlands and wetland buffers in accordance with the Land Development Code. The developer shall submit to the Environmental Management Department, with the first Final Site Plan, for EMD's review and approval, a Wetland Management Plan, which plan shall include plans for informational signs explaining the purpose, importance and need for wetland buffers to be placed at representative sites within common areas readily viewed by residents. The boundary of the Conservation Easement shall be marked with signage that is uniform throughout the development approved by Environmental Management Department as to size, type, number and location. Such signage shall be in place on each lot prior to construction of a home thereon. Developer shall include in the Deed Restrictions information concerning the conservation easement, the limitations on use therein, maintenance of the easement area, maintenance of the signage and the consequences of violations..
8. The Final Plat shall include a 5' wide non-vehicular ingress/egress easement along Golf Course Road and Mulholland Road where there are lots, except for approved roadway intersections and the western two lots on Golf Course Road.
9. The applicant shall dedicate to the County the extension of Mulholland Road to Rye Road with the Preliminary/Final Site Plan(s) for Phase 4 unless Manatee County requests dedication at an earlier date. The 84' public right-of-way within the project for this east/west road shall be dedicated with each Final Plat approval as development occurs in that area, unless Manatee County requests dedication at an earlier date. Within the project, this road shall be 24' in width, designed as a two-lane divided collector, and constructed in Phase 4. This road shall be constructed above the 100 year floodplain. The Preliminary Site Plan shall be revised to reflect no more than 8 lots fronting on and gaining access to Mulholland Road. Additionally, lots fronting on this street shall have a shared driveway with an adjoining lot, unless there is an odd number of lots.
10. Pedestrian and equestrian trail facilities shall be provided along Golf Course Road for the length of the project. The type of construction and construction details shall be determined at Final Site Plan. A five foot wide sidewalk shall be installed along Golf Course Road and both sides of Mulholland Road.
11. Pedestrian linkages to common open space, passive or active recreational areas, and water features shall be provided and approved by the Planning Department based on recommendations of EMD, prior to Final Site Plan approval.
12. The Focal Point identified in Phase 1 shall include a commercial grade tot lot, benches, and required parking.
13. The Preliminary/Final Site Plan(s) for Phase 4 shall include a 1 acre park in Phase 4, which shall include a grass play area, a commercial grade tot lot, and benches.

14. Should this project not be developed in conjunction with, and under a common development plan with the Twin Rivers Development (PDR-99-02(Z)(G), the following revisions shall be made at Preliminary/Final Site Plan(s):
 - a.) Project roadways shall be redesigned, as necessary, to provide two means of access for all Phases or subphases containing more than 100 lots.
 - b.) Cul-de-sacs shown extending into the Twin Rivers Development project shall be redesigned to terminate within Twin Rivers II project.
 - c.) No lots shall straddle the common property line of the two projects.
 - d.) All lots in Phase 5 which are accessed by roadways in the Twin Rivers Development shall be redesigned to be accessed through this Twin Rivers II development provided the applicant demonstrates avoidance of wetland impacts in accordance with the Manatee County Comprehensive Plan and Manatee County Land Development Code.
 - e.) There shall be a 15' greenbelt buffer along the west property line.
15. 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.
16. The Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow.
17. Prior to Final Site Plan approval, a completed application for Fugitive Particulate Abatement must be submitted to the Environmental Management Department.
18. Prior to Preliminary Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., 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.
19. Prior to Final Plat approval, all nuisance, exotic vegetation shall be removed from upland portions of the entire ±450 acre site in accordance with an Exotic Species Removal Plan approved by the EMD.
20. The boundaries of the wetland buffers shall be marked with signs (up to 2 per lot) 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 the presence of wetlands and wetland buffers adjacent to individual lots, with a reference to the recorded conservation easement.

21. The boundaries of upland preservation areas shall be marked with signage that indicates a "Conservation Area". The number and placement of signs shall be approved by the Environmental Management Department with the Final Site Plan approval.
22. Existing native vegetation shall be preserved to meet screening requirements, unless otherwise approved by the Environmental Management Department.
23. The developer shall utilize oversized culverts at wetland crossings to allow for movement of wildlife. The size and number of culverts utilized at each location shall be submitted for review and approval to the Environmental Management Department with the Final Site Plan.
24. Prior to Preliminary Site Plan approval, an evaluation of this site for critical habitat and threatened or endangered species shall be performed as required pursuant to Comprehensive Plan Policy 3.3.2.3.
25. The developer shall demonstrate preservation of a portion of the Mesic Hammock located between Wetlands K-1 and J-2, to serve as a wildlife corridor between the two wetlands, prior to Preliminary Site Plan approval.
26. The developer shall preserve additional native upland habitats located outside the required 30' wetland buffers, consistent with the General Development Plan. This shall be reviewed and approved by the Environmental Management Department at Preliminary Site Plan.
27. Land clearing 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 approval.
28. Unless otherwise approved by Environmental Management Department, 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.
29. Prior to Final Site Plan Approval, the applicant shall gain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety. The plan shall ensure delivery of the Manatee County "All-Hazard Guide" and Red Cross brochure "Your Family Disaster Plan" to each homeowner, and assure of receipt or posting of an evacuation zone map. The Homeowner's Association shall ensure that all subsequent purchasers receive copies of these documents.
30. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee or special assessment for emergency shelter facilities shall be required if such fee is adopted by the Board of County Commissioners.
31. The Notice to Buyers, disclosure statements, and Final Site Plan shall include language to inform homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.

- 32. The Notice to Buyers and the Final Site Plan shall include language to inform homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
- 33. The Notice-to-Buyers shall inform all lot owners of the presence of inter-neighborhood ties and the future extension of Mulholland Road, and that traffic from the surrounding properties, when developed, may use the roads within this development.
- 34. Prior to Final Site Plan approval the applicant shall make any required payment to County's Affordable Housing Trust Fund or provide a clearance letter from Community Services that the homes removed from the site did not qualify as affordable housing.
- 35. 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.
- 36. Revisions to this plan reflected on a Preliminary Site Plan, which are dictated by the stipulations, shall not be deemed to be a substantial modification requiring submission of a revised General Development Plan.
- 37. Dry lines for hookup to future reuse lines shall be provided for the entire subdivision for both common irrigation and single lot irrigation.
- 38. The design and shielding of any on-site lighting within the development shall comply with Section 709.2.2. In addition, any pole mounted lights shall be limited to 15' in height and directed to the interior of the development using horizontal cut-off fixtures.

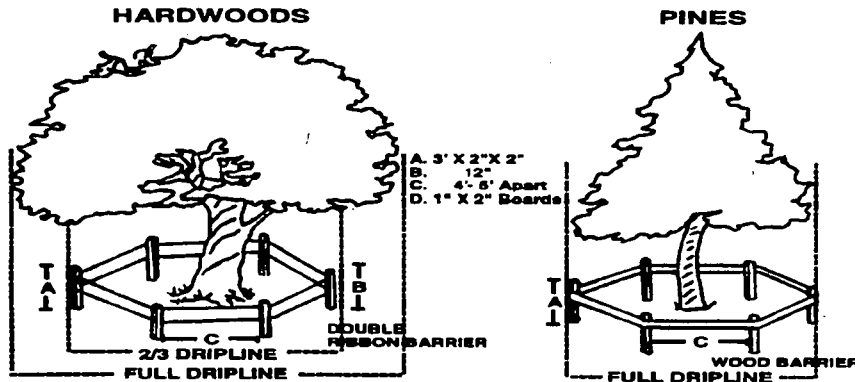


- 39. Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated.

The minimum radius to be protected

- 1. Pines, dripline or 6', whichever is greater
 - 2. All other trees including hardwoods, 2/3 of the dripline or 6', whichever is greater
- Method of Erection
- a. Minimum height of uprights 3' (after being pounded into the ground), and no less than 2" x 4" lumber
 - b. Uprights should have horizontal ribboning at the top and 12" below the top
 - c. Uprights should be spaced at no more than 4'-5' intervals
 - d. Horizontal members of no less than 1" x 2" lumber

Barriers are to remain in place until all paving and construction are done and heavy equipment is out of the area. Trees 4" dbh and greater that are located within 10' of the lot under construction shall also be protected by a barricade during home construction.



40. The maximum number of lots shall be 400.
41. The Developer shall, at the request of the County, enter into a participation agreement for the design, permitting, and construction of the extension of Mulholland Road from the project's eastern boundary to Rye Road. The participation agreement for this project shall be agreeable to the County and the Developer and provide for the reimbursement to the applicant of all costs. The County shall be responsible for any off-site drainage requirements. The County must notify the applicant by January 1, 2003 if it desires to exercise this option through the subsequent execution of the participation agreement. Nothing herein shall delay the permitting of the subdivision.

SPECIFIC APPROVAL:

1. Approval of an alternative to Section 603.7.4.5 of the Land Development Code to eliminate the 15 foot wide greenbelt buffer along the west property line adjacent to Twin Rivers Development.

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 (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.

THAT PORTION OF THE WEST 1/2 OF SECTION 2, TOWNSHIP 34 SOUTH, RANGE 19 EAST, LOCATED SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF GOLF COURSE ROAD. AND

THE NORTHWEST 1/4 AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 11, ALL OF THE ABOVE LOCATED IN MANATEE COUNTY, FLORIDA. CONTAINING 449.5 ACRES

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 February, 2002.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: *Amy Stein*
Chairman 5/17/02

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

By: Robin Liberty, D.C.



THIS IS A CORRECTIVE DOCUMENT



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 9TH day of MAY, 2002

R.B. SHORE
Clerk of Circuit Court

By: *Nancy Harris* D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
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



HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

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

May 13, 2002

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

RECEIVED
MAY 15 2002
BOARD RECORDS

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 May 9, 2002 and certified copy of Manatee County Ordinance No. PDR-01-19(Z)(G), which was filed in this office on May 13, 2002.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud" with a stylized "ak" at the end.

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure