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R. B. SHORE

2005 NOV 18 PM 1:48

CLEARING COURT

MANATEE COUNTY
PLANNING DEPARTMENT
1100 W. MANATEE AVENUE
TALLAHASSEE, FL 32301
904.251.1100

MANATEE COUNTY ZONING ORDINANCE
PDR-04-11(Z)(P) – THE AURORA FOUNDATION/GREYHAWK LANDING WEST

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; 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 APPROXIMATELY 313.67 ACRES GENERALLY LOCATED 1,160 FEET NORTH OF SR 64, SOUTH AND WEST OF GREYHAWK LANDINGS, EAST OF GATES CREEK, AND NORTH OF MISSIONARY VILLAGE, AT 12705 SR 64 EAST IN BRADENTON FROM THE A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) ZONING DISTRICT TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, APPROVING A PRELIMINARY SITE PLAN TO ALLOW 501 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; GRANTING SPECIAL APPROVAL FOR A DENSITY EXCEEDING ONE (1) DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY; GRANTING SPECIFIC APPROVAL FOR ALTERNATIVES TO SECTION 907.9.4.2, OF THE LAND DEVELOPMENT CODE; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Aurora Foundation (the "Applicant") has filed a rezone application to rezone approximately 313.67 acres described in Exhibit "A", attached hereto, (the "Property") from the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application to allow 501 lots for single-family detached residences (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also filed the following requests:

- A. Special Approval to allow for a density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category;
- B. Specific Approval for an alternative to Section 907.9.4.2; and

WHEREAS, the Planning Staff has recommended approval of the rezone, preliminary site plan, Special Approval, and Specific Approval applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 8, 2005 to consider the rezone, Preliminary Site Plan and special approval applications, received the Planning Staff's recommendations 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 rezone, 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 and recommended approval of the applications, subject to the stipulations contained in the Planning Staff report and the granting of the special approval for the Project in the Entranceway.

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.

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, 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 Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on October 6, 2005 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 Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

D. The Board finds that the public purpose and intent of Section 907.9.4.2 have been satisfied to an equivalent degree, and GRANTS Specific Approval for an alternative to Section 907.9.4.2 to allow two cul-de-sacs, labeled as Streets P and Q on the site plan, to be longer than 800 feet in length because circulation alternatives such as traffic eyebrows or mid-point turn-arounds, will be constructed between 700' and 800' from the extension of Greyhawk Boulevard to facilitate vehicle turn-around.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow 501 lots for single-family detached residences upon the Property subject to the Stipulations set out below. The Board hereby GRANTS Special Approval to allow for a density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category, and Specific Approval for an alternative to Section 907.9.4.2 of the Land Development Code, with the following Stipulations:

STIPULATIONS

TRANSPORTATION, ROADWAYS, SECURITY GATES AND SIDEWALKS:

1. All interior local roadways within the project shall be constructed above the 100-year floodplain.
2. All project construction traffic shall enter via 117th Street East. There shall be no construction traffic through Greyhawk Landings or Gates Creek. The hours of project construction shall be limited to 7:00 a.m. – 7:00 p.m., Monday through Saturday. There shall be no project construction on Sundays.
3. Any entrance gates to the project shall be accessible to all emergency services providers and the County's Project Management Department. The applicant shall provide a universal remote control to the Fire Department, Public Safety Department, and Project Management Department prior to issuance of the first Certificate of Occupancy. All gates shall be raised in a storm emergency to expedite an evacuation. Prior to Final Site Plan approval, the applicant shall receive written approval from EMS and the Fire Marshall approving the proposed system.
4. The Final Site Plan shall show circulation alternatives, which may include mid-point turnarounds or traffic eyebrows for streets P and Q at a distance between 700 – 800 feet, as measured from the extension of Greyhawk Boulevard. This shall be approved by the Planning Department with the Final Site Plan.
5. The applicant shall provide a full roadway connection from this project to 4th Avenue East in Gates Creek. This roadway may be gated, subject to County requirements. This shall be approved by the Planning Department with the Final Site Plan.
6. The Final Site Plan shall show a 5-foot wide sidewalk on both sides of all local streets within the project. This shall be approved by the Planning Department.
7. Passive traffic calming devices (e.g., landscaped traffic islands, pavement texture changes, street trees, etc.) shall be utilized at the following locations:
 - a. The intersection of Greyhawk Boulevard and Street B;
 - b. The intersection of Greyhawk Boulevard and Streets C & M; and
 - c. The intersection of 117th Street E. and Street G.

All traffic calming devices and locations shall be approved by the Transportation and Planning Departments with Final Site Plan.

8. Prior to construction in Phase I, 117th Street East from SR 64 to the northerly driveway on the west side of 117th Street East, located approximately 100 feet north of proposed Street G, shall be constructed (not bonded) to County Urban Industrial Road section standards, with the exception of the final coat of asphalt, which shall be applied prior to Final Plat approval for Phase I. Project land clearing may occur prior to improving this roadway. 117th Street E. shall be dedicated to the county as a public road.

9. Prior to Final Plat approval, the applicant shall post a sign at all interneighborhood tie locations to inform prospective purchasers and residents of the future Interneighborhood ties. The size, placement, and materials for this sign shall be determined with the Final Site Plan.
10. Prior to Final Plat approval for any lots in Phases 2 through 5, 117th Street East shall be improved to County Urban Residential Road Section standards as a local street from Street G to the northerly access to 117th Street East in the project.
11. The applicant shall show a 5-foot wide sidewalk connection from Greyhawk Landings West to the sidewalk along 2nd Avenue East in Gates Creek. This shall be approved by the Planning Department with the Final Site Plan.
12. The Final Site Plan for Greyhawk Landings West shall show Boulevard 1 terminating at Street F. Boulevard 1 west of Street F shall be eliminated. There shall be a roadway shown between 117th Street and Street C.
13. The design for 117th Street East shall include a sidewalk on one side of the roadway.

DRAINAGE:

14. 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.

NOTICE TO BUYERS AND FINAL PLATS:

15. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions and in the Sales Contract or a separate addendum to the sales contract, and Final Site Plan(s) that includes language informing prospective home owners of the following:
 - a. Proposed inter-neighborhood ties to the existing and future development, and that traffic from adjoining development may use their roadways;
 - b. Presence of neighboring agricultural uses, including possible use of pesticides and herbicides and of odors and noises associated with agricultural uses;
 - c. Florida Neighborhood Yards Program.
16. All phases of this project shall receive Final Plat approval within 3-years of the Preliminary Site Plan approval, and in accordance with the Certificate of Level of Service, unless a new Certificate is approved with the Final Site Plan.

CONCURRENCY:

17. The developer is put on notice that the County and School Board are required to establish school concurrency. Until such time as the details of that program are adopted, this approval does not guarantee capacity under the terms of the future program, to the extent school concurrency is legally applicable to the project.

ENVIRONMENTAL:

18. The Developer shall limit the amount of land cleared and unstabilized by construction sequencing to minimize erosion, sedimentation, and fugitive particulate emissions during and after construction. Details of construction phasing and sequencing shall be included in the required Erosion and Sediment Control Plan following Final Site Plan approval.
19. 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. 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. Specific tree protective measures shall be reviewed and approved with Final Site Plan and Construction Plan submittal. Generally, the dripline (one foot for each inch of d.b.h.) of all trees to be retained on site shall be protected from construction activity.
20. Prior to Final Plat approval or issuance of any Certificate Of Occupancy, a Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
21. An Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
22. The project shall be designed so that no temporary wetland buffer impacts (other than those allowed by Section 719.11.1.2 of the LDC) are required in areas that contain native desirable vegetation. This shall be reviewed and approved by the Planning Department with Final Site Plan.
23. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground and aboveground storage tanks, and 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 or mitigative measures.
24. An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides and herbicides shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. Where practicable, 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.
25. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic

plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to issuance of the first Certificate Of Occupancy or Final Plat approval, in accordance with Section 715.4 of the LDC.

26. The developer shall provide an updated study (consistent with Policy 3.3.2.3 of the Comprehensive Plan) for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan or permit, approved by the appropriate State or federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.

TRAILS AND PARKS:

27. All pedestrian paths and trails shall be at least 5 feet wide and paved or have a 4 inch compacted shell surface, to be approved with the Final Site Plan.
28. The pocket park shown between Street R and Wetland G shall contain a picnic table. This shall be approved by the Planning Department with the Final Site Plan.
29. All nature trails and board walks located in areas where native vegetation is to remain shall be designed in a manner that minimizes impacts to trees or areas of significant vegetation.

LIGHTING:

30. Street lighting for the project shall be limited to a maximum height of 12' with a unified theme. The design and shielding of any on-site lighting within the development shall comply with Section 709.2.2 of the Land Development Code. In addition, any pole and building mounted lights in common areas shall be limited to 12' in height and shall be directed to the interior of the development using horizontal cut-off fixtures, unless decorative street lights are installed.

LANDSCAPING, TREE PROTECTION, IRRIGATION

31. The Final Site Plan shall show a 20' wide roadway buffer between the property boundary and Street K. A 6' tall opaque fence shall be constructed within this buffer adjacent to Lots #365 - #367. The buffer shall be landscaped with 5 understory trees and 50 shrubs per 100 linear feet. All landscaping shall be on the outside of the fence favoring the Gates Creek development. This shall be approved by the Planning Department.
32. Existing native vegetation located within any required landscape buffers shall be preserved to the greatest extent possible. Staff will not support any overhead or underground powerlines, swales or stormwater facilities within the proposed landscape buffers, with the exception of limited crossings. This will be evaluated by the Planning Department with the Final Site Plan.

33. Tree Protection Measures:

- a. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by Planning Department.
 - b. The developer shall require all contractors, subcontractors, and construction crews to attend the pre-construction meeting required by Section 508.3.4.7(j) of the Land Development Code. The purpose of this meeting is to discuss tree protection and to insure trees in the field to be retained and removed, ensure tree barricades remain up during all phases of construction, and penalties for noncompliance or unauthorized tree removal in accordance with the LDC.
 - c. The Final Site Plan shall include the following information:
 - Tree and native vegetation preservation areas;
 - The limits of clearing;
 - Typical cross section details for all activities within 25' of any preservation areas; and
 - Details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.
34. The Developer shall immediately notify the Planning Department in the event that any preserved tree or native vegetation is adversely impacted.
35. 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.
36. The Developer and the County shall enter into a Local Development Agreement for the dedication of on-site right-of-way, permitting, design, engineering, and construction for the extension of 117th Street East from the northerly access of the project 117th Street East to the existing right-of-way for 3rd Avenue Northeast or Upper Manatee River Road, as selected by the County. Such agreement shall be agreeable to both parties and shall provide for the reimbursement to the Developer for all costs related to this extension, except for construction from the northerly access to 117th Street to 4th Avenue East, which shall be the responsibility of the developer. The County shall be responsible for acquiring all necessary off-site right-of-way to construct this extension

including land necessary for stormwater retention, wetland and buffer impacts, and floodplain compensation. All necessary right-of-way shall be obtained by the county within 18 months of design completion and transfer to County, and upon acquiring the right-of-way the county shall notify the developer in writing. Nothing contained herein shall delay the permitting of development within Greyhawk Landings West. The agreement shall provide for reimbursement to the developer on an ongoing basis as the project progresses based upon measurable standards. The agreement shall provide for the developer to have until November 3, 2010 to obtain Final Subdivision Plat approval for all phases of the development and shall provide for granting of Certificate of Level of Service until November 3, 2010. The Board of County Commissioners, at its option, may elect not to enter into a Local Development Agreement and eliminate the requirements for performance by the developer under this stipulation.

37. The education facility impact fees for the initial 86 dwelling units (Phase I) shall be paid at or before issuance of the first building permit for any residential dwelling unit.
38. The developer shall coordinate with the School Board for locating of a School Bus stop within Greyhawk Landings West prior to Final Site Plan for Phase I.

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 described in Exhibit "A" incorporated herein by reference, from the A (General Agriculture, 1 dwelling unit per 5 acres) zoning district to the PDR (Planned Development Residential) zoning district 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. 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 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 3rd day of November, 2005.

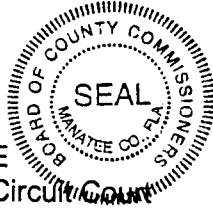
BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____


Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court



By: Diane E Vollmer, DC.

EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OF LAND IN SECTIONS 28 AND 29, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 29, THENCE N 00° 08' 06" W., ALONG THE WESTERLY LINE OF THE EAST HALF OF SECTION 29, A DISTANCE OF 1579.52 FEET TO THE NORTHERLY LINE OF BRADENTON MISSIONARY VILLAGE SITE AS LAID OUT AND LOCATED FOR THE POINT OF BEGINNING: (THE FOLLOWING TWO CALLS ARE ALONG THE LINES OF SAID MISSIONARY VILLAGE SITE): THENCE S. 89° 52' 07" E., A DISTANCE OF 2715.00 FEET; THENCE S. 00° 07' 53" W., A DISTANCE OF 625.89 FEET; THENCE S. 87° 58' 40" E., A DISTANCE OF 425.17 FEET TO THE WESTERLY LINE OF THE AURORA FOUNDATION OFFICE SITE AS LAID OUT AND LOCATED (THE FOLLOWING TWO CALLS ARE ALONG THE LINES OF SAID OFFICE SITE AND THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID SITE); THENCE N. 02° 01' 20" E., A DISTANCE OF 295.00 FEET; THENCE S. 87° 58' 40" E., A DISTANCE OF 858.69 FEET TO THE EASTERLY LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 28; THENCE N. 00° 13' 10" W., ALONG SAID EASTERLY LINE, A DISTANCE OF 1437.02 FEET TO THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 28; THENCE N. 00° 13' 01" W., ALONG THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, A DISTANCE OF 1321.81 FEET TO THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28; THENCE N. 89° 54' 29" W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 1325.31 FEET TO THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 28; THENCE N. 00° 06' 40" W., ALONG SAID WESTERLY LINE, A DISTANCE OF 1322.09 FEET TO THE NORTHERLY LINE OF THE NORTHEAST QUARTER OF SAID SECTION 29; THENCE N. 89° 57' 04" W., ALONG SAID NORTHERLY LINE, A DISTANCE OF 2677.32 FEET TO THE AFOREMENTIONED WESTERLY LINE OF THE EAST HALF OF SECTION 29; THENCE S. 00° 08' 06" E., ALONG SAID WESTERLY LINE, A DISTANCE OF 3702.71 FEET TO THE POINT OF BEGINNING.
CONTAINING 313.666 ACRES, MORE OR LESS.



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 14th day of November, 2005.

R.B. SHORE
Clerk of Circuit Court

By: Diane E. Vallman



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R. B. SHORE

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FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

November 16, 2005

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 November 14, 2005 and certified copies of Manatee County Ordinance Nos. PDR-04-11(Z)(P), PDR-02-28(P)(R), PDR-04-46(Z)(P) and PDC-04-43(Z)(G), which were filed in this office on November 16, 2005.

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

Sincerely,

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

Liz Cloud
Program Administrator

LC/mp

Enclosures

STATE LIBRARY OF FLORIDA

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