

FILED FOR RECORD  
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE

2003 NOV 13 AM 11:12

2003-04(Z)(P) - RENALT CORPORATION/TOWN & COUNTRY VILLAGE

DEPARTMENT OF  
TALLAHASSEE  
FILED

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CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

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 NC-M (NEIGHBORHOOD COMMERCIAL-MEDIUM), GC (GENERAL COMMERCIAL) AND RSF-4.5 (RESIDENTIAL SINGLE-FAMILY, 4.5 DWELLING UNITS PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW SIXTY-SIX (66) MULTI-FAMILY UNITS AT A GROSS DENSITY OF 3.42 DWELLING UNITS PER ACRE.

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 NC-M (Neighborhood Commercial-Medium), GC (General Commercial) and RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on October 28, 2003 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 sixty-six (66) multi-family units at a gross density of 3.42 dwelling units per acre with the following stipulations:

STIPULATIONS

1. A six foot (measured from the highest elevation of the road) high decorative wall with a stucco and painted finish (or a wall of material with equivalent appearance) and noise reduction properties shall be provided along U.S.19. A six foot (measured from the highest elevation of the road) high decorative wall with a stucco and painted finish (or a

wall of material with equivalent appearance) or decorative fence shall be provided along 45<sup>th</sup> Street East. All required landscaping shall be placed on the outside or roadway side of the wall or fence.

2. The design for the project shall be in substantial conformance with the elevation drawings entered into the record for this project including the facade details.
3. At time of Final Site Plan submittal, the applicant shall identify the L<sub>10</sub> 65 and L<sub>10</sub> 70dBA noise level contours. No residential dwelling units shall be allowed between the L<sub>10</sub> 70dBA noise level contour and U.S. 19 unless such residences are protected by some performance equivalent measure to achieve the L<sub>10</sub>60 to 70dBA range. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls and significant landscape buffering shall be provided between the residential units and the noise source.

Additionally, residential units constructed within noise level contours in excess of the L<sub>10</sub>65 contour must meet the interior sound levels identified by the EPA as sufficient to protect public health and welfare. The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval.

4. A 20 foot wide roadway buffer, containing 2 offset rows of canopy and understory trees (12 ft. tall, 4 ft. spread and placed 30 ft. on center), shall be installed along U.S.19, 45<sup>th</sup> Street East, 49<sup>th</sup> Street East, and 4<sup>th</sup> Avenue East. This buffer shall be 60% opaque to a height of 6 feet within two (2) years.
5. Perimeter buffer plantings as shown on the landscape plan shall be provided in accordance with Section 715 of the LDC.
6. To the maximum extent possible, existing indigenous vegetation shall remain within the required landscape buffers and be utilized to meet the buffering and screening requirements.
7. The recreational facility shall include a commercial grade tot lot, benches, shade trees, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan.
8. A typical cross-section at a scale no greater than 1" =60' and descriptions of all proposed activities within 25' of the wetland buffers shall be included in the Final Site Plan submittal. Other than those activities authorized by Section 719.11.1.2 of the LDC and approved by the EMD, wetland buffers are to remain in an unaltered state.
9. A Wetland Buffer Restoration Plan should be submitted to EMD for review with the Final Site Plan in accordance with Section 719.11.2.1 of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
10. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area", as required in Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.

11. All nuisance exotic plant species shall be removed from upland portions of the site prior to the first Certificate of Occupancy, in accordance with Section 715.4 of the LDC.
12. An Erosion and Sediment Control Plan (ESCP) shall be submitted to the EMD for review and approval pursuant to Section 508.3.4.7.j of the LDC.
13. The design and shielding of any on-site lighting for the common and recreational areas shall comply with Sections 709.2.2. In addition, pole and building mounted lights shall be limited to 20 feet in height and directed to the interior of the development using horizontal cutoffs. Use of decorative street lights or house lights may be permitted. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan for approval.
14. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees or branches is required for land clearing, a burn permit must first be obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.
15. The lowest quality water possible shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited throughout the project.
16. Unless otherwise approved by Environmental Management Department, native or drought tolerant landscape materials shall be utilized in common areas.
17. Final engineering drainage design must be approved prior to Final Site Plan approval.
18. Prior to Final Site Plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow.
19. All traffic control signage and pavement markings, if warranted, shall conform to FDOT and MUTCD standards.
20. The entrance gates to the project shall be accessible to emergency service providers by either a remote control or siren activated system. Prior to Final Site Plan approval, the applicant shall receive written approval from Department of Public Safety and the Fire Marshal approving the proposed system.
21. Prior to Final Site Plan approval, the applicant shall make a required payment in the amount of \$1,492.00 to the County's Affordable Housing Trust Fund for homes to be removed from the site.
22. Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.

23. The stormwater management system shall be designed to provide a reduction of up to 50 % of the allowable pre-development flow from the 25 year 24-hour storm event discharge.
24. 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/condo association shall ensure that all subsequent purchasers receive copies of these documents. The Homeowners Documents and Final Site Plan shall include a notice to inform homeowners that they are purchasing a home in the Coastal Evacuation and Planning Areas.

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 NC-M (Neighborhood Commercial-Medium), GC (General Commercial) and RSF-4.5 (Residential Single-Family, 4.5 dwelling units per acre) 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.

A PARCEL OF LAND LYING IN SECTION 1, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:  
BEGIN AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF EXPERIMENTAL FARM ROAD (49<sup>TH</sup> STREET EAST) AND THE EAST LINE OF LOT 1 OF HOLMES & PUGH SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 140 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00° 28' 47" E ALONG THE EAST LINE OF SAID LOT 1 AND LOTS 3 AND 4 OF SAID HOLMES & PUGH SUBDIVISION, A DISTANCE OF 955.85 FEET; THENCE S 88° 37' 56" E ALONG THE NORTH LINE OF LOT 7 OF SAID HOLMES & PUGH SUBDIVISION, A DISTANCE OF 638.30 FEET TO AN INTERSECTION WITH THE WEST MAINTAINED RIGHT OF WAY LINE OF 4<sup>TH</sup> AVENUE EAST; THENCE S 01° 06' 40" E ALONG SAID WEST MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 308.22 FEET; THENCE N 88° 36' 18" W ALONG THE SOUTH LINE OF SAID LOT 7 AND THE SOUTH LINE OF LOT 6 OF SAID HOLMES & PUGH SUBDIVISION AND WESTERLY EXTENSION THEREOF, A DISTANCE OF 1141.94 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 19 (STATE ROAD 55); THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: (1) N 21° 10' 58" W, A DISTANCE OF 154.41 FEET; (2) N 00° 16' 13" E, A DISTANCE OF 852.51 FEET TO AN INTERSECTION WITH THE NORTH LINE OF AFORESAID LOT 1; THENCE S 88° 59' 02" E ALONG SAID NORTH LINE, A DISTANCE OF 163.00 FEET; THENCE N 00° 16' 13" E ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 264.50 FEET TO AN INTERSECTION WITH AFORESAID SOUTH RIGHT OF WAY LINE OF EXPERIMENTAL FARM ROAD; THENCE S 88° 59' 07" E ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 377.12 FEET TO THE POINT OF BEGINNING.  
CONTAINING 19.32 ACRES, MORE OR LESS  
SUBJECT TO THE PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

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 28<sup>th</sup> day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

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

[Signature]



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 30<sup>th</sup> day of November, 2003  
R.B. SHORE  
Clerk of Circuit Court  
By: [Signature] D.C.



FILED FOR RECORD  
R. B. SHORE

2003 NOV 13 AM 11:10

STATE OF FLORIDA  
DEPARTMENT OF STATE

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**JEB BUSH**  
Governor

**GLEND A. HOOD**  
Secretary of State

November 6, 2003

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 letter dated November 3, 2003 and certified copies of Manatee County Ordinance Nos. PDC-03-16(Z)(G), PDR-03-01(Z)(G), Z-03-06, PDR-03-15(Z)(P) and PDR-03-04(Z)(P), which were filed in this office on November 6, 2003.

Please be advised that the Florida County Ordinance Data Retrieval System (CODRS) Coding Forms were not received for the above mentioned ordinances.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/mp