

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
2004 DEC 14 PDR-03-159(Z)(P) - PALMA SOLA BAY CLUB DEVELOPMENT/PALMA SOLA BAY CLUB

CLERK OF
MANATEE COUNTY 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 0.6 ACRES FROM RSF-4.5/CH (RESIDENTIAL SINGLE-FAMILY-4.5 DWELLING UNITS PER ACRE/COASTAL HIGH HAZARD OVERLAY DISTRICT) TO PDR/CH (PLANNED DEVELOPMENT RESIDENTIAL/COASTAL HIGH HAZARD OVERLAY DISTRICT); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 201 MULTI-FAMILY UNITS; GRANTING SPECIAL APPROVAL FOR A PROJECT WITHIN: 1) COASTAL PLANNING AREA; 2) PARTIALLY IN THE COASTAL STORM VULNERABILITY AREA, AND 3) INVOLVING THE TRANSFER OF WETLAND DENSITY; AND LIMITING BUILDINGS # 1 AND 9 TO 2 STORIES IN HEIGHT AND 27 FEET ABOVE THE FLOOD PROTECTION ELEVATION.

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, 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 Section 4 of this Ordinance from RSF-4.5/CH (Residential Single-Family 4.5 units per acre/Coastal High Hazard Area Overlay District) to PDR/CH (Planned Development Residential/ Coastal High Hazard Area Overlay District).
- B. The Board of County Commissioners held a public hearing on November 30, 2004 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 2020 Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow 201 multi-family units; GRANTING Special Approval for a project within: 1) Coastal Planning Area; 2) partially in the Coastal Storm Vulnerability Area, and 3) involving the transfer of wetland density; and limiting Buildings # 1 and 9 to 2 stories in height and 27 feet above the Flood Protection Elevation, with the following Stipulations:

STIPULATIONS

Landscaping:

1. The greenbelt buffer shall be at least 20 feet wide along the south and southwest property lines (except abutting the Heather Run Condos). This buffer shall include canopy trees (3" caliper planted every 40 ft. on center) and understory trees (2" caliper planted every 25 ft. on center), in offset rows and shrubbery at least 36" in height at planting every 36 inches on center.
2. Irrigation for this project shall use the lowest quality of water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in- ground irrigation systems.
3. The roadway buffer on Palma Sola Boulevard shall be a minimum of 30 feet wide and shall contain canopy trees (3" caliper planted 40 ft. on center), understory trees (2" caliper planted 25 ft. on center) and shrubbery (36" in height at planting 36 inches on center). For those areas abutting buildings 1 and 9, this buffer shall also include clusters of at least 3 palm trees, a minimum of 16 ft. in height at planting, with clusters spaced every 15 feet.

Design and Lighting:

4. The design of the buildings shall be in substantial conformance with the building elevations entered into the record at the public hearings for this case.
5. The design and shielding of any on-site lighting for common areas shall comply with Section 709.2.2 of the LDC. In addition, pole and building mounted lights in common areas shall be limited to 16 ft. in height and directed to the interior of the development using horizontal cut off fixtures. Use of decorative street lights of building lights may be permitted. A lighting plan showing the detail of the proposed lighting shall be submitted for review and approval by the Planning Department with the Final Site Plan.
6. Both a fire alarm system and a fire sprinkler system are required in each building.
7. Fire hydrants shall be installed within 400 ft. of the main entrance of all principle buildings and shall be no more than 800 ft. apart, as measured from normal access routes. Fire hydrants shall be installed on a minimum of a six inch line. The base of each hydrant shall be at finished grade.
8. Buildings 1 and 9 are within 50 ft. of the velocity zone. They must be built to V-zone standards or a detailed engineering study (wave analysis or soil analysis to be determined) regarding velocity zone design may be submitted with the Building Permit application.
9. Swimming pools shall meet all standards of Chapter 64E-9, FAC. Full details of the pool and pool area shall be submitted with the Final Site Plan.

Transportation:

10. The applicant shall construct a five foot wide sidewalk or bike lane or other alternative approved pursuant to Land Development Code Section 719 or contribute the cost of a 5' concrete sidewalk for the balance of the frontage along Palma Sola Boulevard to the sidewalk fund.
11. The access point to Palma Sola Boulevard shall be limited to an emergency access point only. This access point may be open to project traffic at such time as improvements to Palma Sola Boulevard are made including a pedestrian system, when authorized by the Transportation Director.
12. The applicant shall grant full rights of ingress and egress to the Heather Run Condominium by means of easement to be recorded prior to Final Site Plan approval for this project. This easement must be shown and approved on the Final Site Plan and in a form and content consistent with language from the County Attorney's office.
13. An additional 10 ft. of right of way on 75th Street West must be dedicated for future roadway expansion. This shall be dedicated prior to or in conjunction with Final Site Plan approval.
14. The Final Site Plan shall show street numbers for all streets within this project.

Environmental/Floodplain:

15. This site appears to contain indicator species, as indicated on the Biodiversity Hotspots Map. An evaluation of this site for critical habitat and species must be performed as required pursuant to Comprehensive Plan Policy 3.3.2.3. Prior to Final Site Plan approval, the developer shall conduct additional surveys for the presence of threatened and endangered species.
16. Signs shall be placed adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the Code. The type and locations of such signs shall be shown and approved by the EMD and the Final Site Plan.
17. Prior to Final Site Plan approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands and wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC. The conservation easement shall include language which clearly prohibits the trimming or cutting of mangroves to a height less than the height of the mangroves existing at the time of this approval.
18. Prior to any development-related land clearing activities (including exotic species removal), all applicable County approvals must be obtained through the Planning Department and Environmental Management Department.

19. 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 in the Final Site Plan and shall include language informing prospective homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.
20. All infrastructure, including lift stations, cleanouts, and manhole rims shall be located above the 100 year floodplain. All manholes proposed in the 100 year floodplain shall be designed to meet the standards of Section 718.6.1.4 and 722.8.1.8 of the Code. The sewer system shall be located and designed to avoid impairment and contamination of aquifers and flood waters. All infrastructure shall be privately maintained. However, the Project Management Department may approve service cleanouts and manhole rims installed no lower than 4 inches above the 25 year flood elevation. Design drawings must demonstrate tamper proof water tight manholes and cleanouts. Lift station hatches shall be at least 4 inches above the 100 year elevation or 12 inches above the 25 year flood elevation, whichever is higher.
21. The project shall not increase the FEMA 100 year floodplain, velocity zone, or base flood elevations; and shall meet all FEMA requirements and guidelines, where applicable.
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 and 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, F.S., shall be followed.
23. No docks, piers, or other waterfront structures may be constructed on this site.
24. Upland Preservation Areas shall be clearly delineated, labeled and quantified on the Final Site Plans. Upland Preservation Areas shall be consistent with those shown on the Preliminary Site Plan.
25. A Wetland Buffer Restoration Plan should be submitted to the EMD for review and approval 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.

SPECIFIC APPROVAL:

1. Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code to allow a cul-de-sac street longer than 800 ' in length.

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 RSF-4.5/CH (Residential Single-Family 4.5 units per acre/Coastal High Hazard Area Overlay District) to PDR/CH (Planned Development Residential/ Coastal High Hazard Area Overlay 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. LEGAL DESCRIPTION.

THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY OF "PALMA SOLA BOULEVARD": BEGIN 330 FT. WEST OF THE NORTHEAST CORNER OF U.S. GOVERNMENT LOT 2 IN SECTION 6; THENCE WEST 330 FT.; THENCE SOUTH 330 FT.; THENCE EAST 330 FT. AND THENCE NORTH 330 FT. TO THE POINT OF BEGINNING.

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 30th day of November, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: [Signature]
Chairman

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

By: [Signature]
cc



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 1st day of

December, 2004

R.B. SHORE
Clerk of Circuit Court

By: [Signature]





FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

FILED ON RECORD
R. B. SHORE

2004 DEC 14 AM 8:53

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

December 9, 2004

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 2, 2004 and certified copies of Manatee County Ordinance Nos. PDMU-03-36(Z)(G), PDR-03-40(Z)(P), PDR-03-59(Z)(P), PDR/PDC-96-03(G)(R7) and 04-68, which were filed in this office on December 9, 2004.

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/kcs

Enclosure

STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
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