

FILED FOR RECORD
R. B. SHORE

2005 NOV 28 PM 1:11

CLERK OF COURT
MANATEE CO. FLORIDA

MANATEE COUNTY ORDINANCE

PDMU-00-02(Z)(G)(R2) -

MANATEE FRUIT COMPANY/ VILLAGES AT LOCKWOOD RIDGE ROAD / BARRINGTON
RIDGE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING ORDINANCE PDMU-00-02(Z)(G)(R) PERTAINING TO THE PROPERTY EAST OF 39TH STREET EAST (TUTTLE AVENUE) APPROXIMATELY 1,900 FEET NORTH OF WHITFIELD AVENUE ON BOTH SIDES OF LOCKWOOD RIDGE ROAD TO AMEND STIPULATION NUMBER 19 TO ALLOW THE OPTION TO PROVIDE PERFORMANCE SECURITY FOR THE CONSTRUCTION OF 63RD AVENUE EAST BETWEEN 39TH STREET EAST AND LOCKWOOD RIDGE ROAD AND TO PROVIDE FOR REIMBURSEMENT PURSUANT TO A REIMBURSEMENT AGREEMENT; PROVIDING A LEGAL DESCRIPTION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

WHEREAS, Centex Homes has filed an application to amend Manatee County Ordinance PDMU-00-02(Z)(G)(R) pertaining to the property described in Exhibit "A"; and

WHEREAS, said application proposes to amend Stipulation Number 19 to allow the option to provide performance security for the construction of 63rd Avenue East between 39th Street East and Lockwood Ridge Road and to provide for reimbursement pursuant to a reimbursement agreement; and

WHEREAS, the Planning Staff has recommended approval; and

WHEREAS, the Board of County Commissioners of Manatee County held a public hearing on November 15, 2005, after due notice; received and considered the recommendations of the Planning Department; considered the criteria set forth in the Manatee County Land Development Code; and approved the revised ordinance, subject to the stipulations set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY THAT:

Section 1. Findings: The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

Section 2: Ordinance No. PDMU-00-02(Z)(G)(R) is hereby amended to amend Stipulation Number 19 and restate the remaining stipulations to read as follows:

STIPULATIONS:

1. The storm water facility adjacent to the intersection of 39th Street East and 63rd Avenue East (and any other storm water facilities which will impact a significant number of trees) shall make provisions at time of Preliminary and Final Site Plan approvals to save as

many significant trees or tree clusters as possible. This may be accomplished by shifting or meandering the shoreline of the proposed storm water facility.

2. All native trees and vegetation shall be preserved within the 15 foot wide greenbelt adjacent to Lionshead Subdivision. At time of Final Site Plan submittal, all significant native trees within 25 feet of the gas pipeline easement adjacent to Lionshead Subdivision shall be identified. The developer shall verify that the design of the subdivision, including site grading and the location of stormwater facilities, shall facilitate the preservation of as many of these trees as possible. The 15 foot greenbelt adjacent to Lionshead shall be exclusive of the gas pipeline easement.
3. A 15 foot greenbelt (required pursuant to Section 603.7.4.5 of the LDC) shall be provided around the perimeter of the single-family residential portion of the project. This buffer shall be increased to 20' when adjacent to functionally classified roadways or in accordance with Stipulation 2.
4. All lots adjacent to Lionshead Subdivision shall be minimum width of 75' and lot area of 8,000 square feet.
5. Prior to Final Plat approval, a six foot high finished decorative concrete block wall (or a wall or barrier of a material with similar noise reduction properties) shall be provided along major thoroughfare roadways as follows:
 - a. Abutting 63rd Avenue East (Honore Avenue), adjacent to residential lots in Villages 2 and 3.
 - b. Adjacent to residential lots abutting Lockwood Ridge Road in Village 2, across from the commercial/multi-family tract.
 - c. Adjacent to residential lots abutting Lockwood Ridge Road in Village 3 north of the existing wetland.
6. A 25 foot wide upland buffer shall be provided along the northern boundary of the commercial/multi-family parcel in Village 1 and the southern boundary of the commercial parcel in Village 3. The following improvements shall be provided within the buffer prior to the first Certificate of Occupancy for each commercial (or multi-family) parcel:
 - a. An eight-foot high (as measured above the finished floor elevation of the proposed building) finished concrete block wall (or a wall of a material with equivalent appearance and noise reduction properties). This wall may be reduced to 6 feet in Village 1 if the parcel is developed as multi-family.
 - b. A row of canopy trees, 3 inch caliper or greater, planted 30 feet on center, in addition to required understory trees.
7. Commercial and multi-family buildings shall maintain a minimum setback of 50 feet from the single-family portion of the project. Setbacks for buildings exceeding 20 feet in height shall be increased 2 feet for each foot above 20 feet adjacent to the single-family portion of the development.

8. All semi-trailer truck deliveries and truck loading and unloading at the rear of the buildings, adjacent to the residential portion of the site, shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.
9. Rooftop mechanical equipment shall not be visible from adjacent single-family residential properties (both internal and external to the project).
10. The sides of all non-residential buildings shall have minimal blank walls no longer than 40 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements shall be incorporated into the design of structures including prominently visible architectural details [e.g. bumpouts, reveals and projecting ribs, cornices, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Design elements shall be reviewed for compliance by staff at time of Final Site Plan submittal.
11. All non-residential building facades shall exhibit an aesthetically attractive appearance. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted visible from any roadway or adjacent property. The applicant shall verify compliance with this provision prior to Final Site Plan approval and Certificate of Occupancy. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
12. There shall be no outdoor bells, intercoms, or outdoor music within 200 feet of residential property.
13. Commercial uses shall be limited to uses permitted administratively in the Neighborhood Commercial zoning district.
14. Multi-family buildings shall not exceed 2 stories in height within 50 feet of Lockwood Ridge Road or 63rd Avenue East (Honore Avenue).
15. Access to the focal point in Village 1 shall consist of a paved surface and be a minimum width of 5 feet. The focal point area, not including access, shall be a minimum area of 1 acre.
16. A minimum of 5 shade trees shall be planted in each focal point prior to Final Plat approval for the particular phase.
17. An inter-neighborhood tie shall be provided to the development to the east, currently zoned RSMH-4.5, if that property is rezoned to PDR prior to Preliminary Site Plan approval for Village 2. The tie may be provided to the north if a new street is to be constructed to access the development to the east.
18. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required when and if such impact fee is

adopted by the School Board of Manatee County or the Board of County Commissioners.

19. Prior to any Final Site Plan approval for the commercial/multi-family parcel or the last Final Subdivision Plat for Village 1, 63rd Avenue East (Honore Avenue) shall be constructed (or guaranteed by performance security in accordance with normal county requirements) from 39th Avenue East to Lockwood Ridge Road. Prior to next Final Subdivision Plat approval (after this amended ordinance) for any lots in Village 2 east of Lockwood Ridge Road, 63rd Avenue East (Honore Avenue) shall be constructed (or guaranteed by performance security in accordance with normal county requirements) from Lockwood Ridge Road to Mote Ranch. The applicant shall commence construction of Honore Avenue within 30 days after the county obtains the necessary right-of-way and shall complete the project within 300 days, in accordance with Paragraph 7 of the Reimbursement Agreement. In the event that the applicant, its successors, or assigns, provides right-of-way or constructs any such portion of 63rd Avenue East (Honore Avenue), transportation impact fee credits shall be provided in accordance with Section 806 of the Manatee County Land Development Code or reimbursement made pursuant to the Reimbursement Agreement.
20. The applicant shall demonstrate 35% open space within the Watershed at the time of Preliminary Site Plan approval.
21. An evaluation of this site for critical habitat and species should be performed as required pursuant to Comprehensive Plan Policy 3.3.2.3 prior to Preliminary Site Plan approval. Wetland buffers may be increased and/or additional upland preservation may be required as a result of the study.
22. A Construction Water Quality Monitoring Plan with proposed sampling locations shall be submitted to the Environmental Management Department for review and approval prior to Final Site Plan approval, and shall be implemented prior to commencement of any land clearing activities.
23. Prior to Preliminary Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/above ground 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.
24. An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides and herbicides shall be submitted to the Environmental Management 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 homeowners to participate in the Florida Yards and Neighborhood Program by disseminating program information to individual lot owners.
25. The boundaries of the wetland buffers shall be marked with signs (up to 2 per lot) indicating that this is a wetland protection area. Such signage shall be approved by the Environmental Management Department with Final Site Plan approval. There shall also

be a Notice To Buyers indicating that these lots have a wetland and buffer area on them, with a reference to the recorded conservation easement.

26. Concurrent with the first plat, a permanent sign shall be placed on the parcels at the Northwest and Southeast quadrants of Lockwood Ridge Road and Honore identifying the approved commercial and multi-family uses on the sites. The owner shall maintain these signs until those properties are developed. The sign design shall be approved by the Planning staff with the first Final Plat.
27. The developer shall be responsible for their fair share of traffic safety improvements necessary for the project, in accordance with applicable Manatee County, State and Federal regulations. This may include, but is not limited to, construction and installation of a traffic signal at Honore and Lockwood Ridge.
28. The location of the extension of Honore from Lockwood Ridge to the east shall be evaluated to ensure minimal wetland and buffer impacts. If required, the roadway configuration shall be adjusted to avoid wetland and buffer impacts. Phase lines may be adjusted accordingly.
29. The applicant shall reduce stormwater discharge up to 50% of the pre-development rate as determined by the County stormwater engineer after site-specific review.
30. If the multi-family option is developed in Village 1, an active recreation area consisting of 3/4 of an acre in size shall be provided within the multi-family parcel.

Section 3. 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 4. EFFECTIVE DATE. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 15th day of November, 2005.

BY: MANATEE COUNTY, FLORIDA
BOARD OF COUNTY
COMMISSIONERS


Chairman

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


By: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION.

A PORTION OF THE NORTH 1/2 OF THE N.W. 1/4, AND THE WEST 1/2 OF THE N.E. 1/4, AND THE N.W. 1/4 OF THE S.E. 1/4 OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

AND, A PORTION OF THE S.W. 1/4 OF THE S.W. 1/4, AND THE EAST 1/2 OF THE S.W. 1/4, AND THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°26'29" E, ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 42.00 FEET FOR A POINT OF BEGINNING, AND A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 39th STREET EAST; THENCE N 00°13'00" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1328.02 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE S.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION 16; THENCE S 89°25'38" E, ALONG SAID NORTH LINE, A DISTANCE OF 1279.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE S.W. 1/4 OF SAID SECTION 16; THENCE N 00°15'50" E, ALONG SAID WEST LINE, A DISTANCE OF 1327.70 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID EAST 1/2 OF THE S.W. 1/4; THENCE S 89°24'47" E, ALONG SAID NORTH LINE, A DISTANCE OF 1262.11 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE S 00°18'41" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET; THENCE N 89°24'47" W, A DISTANCE OF 348.00 FEET; THENCE S 00°18'41" W, A DISTANCE OF 299.00 FEET; THENCE S 89°24'47" E, A DISTANCE OF 348.00 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE OF SAID LOCKWOOD RIDGE ROAD; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) S 00°18'41" W, A DISTANCE OF 1048.38 FEET; (2) S 89°25'38" E, A DISTANCE OF 15.00 FEET; THENCE S 00°18'41" W, A DISTANCE OF 673.38 FEET; THENCE N 89°41'19" W, A DISTANCE OF 471.55 FEET; THENCE S 00°18'41" W, A DISTANCE OF 410.08 FEET; THENCE S 89°41'19" E, A DISTANCE OF 471.55 FEET; THENCE S 00°18'41" W, A DISTANCE OF 184.25 FEET; THENCE S 00°01'34" E, A DISTANCE OF 1319.62 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE N.W. 1/4 OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°29'49" W, ALONG SAID SOUTH LINE, A DISTANCE OF 2560.44 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF AFORESAID 39th STREET EAST; THENCE N 00°18'19" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1322.37 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 16 AND 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 186.98 ACRES, MORE OR LESS.

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TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL: COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°26'29" W, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 1319.96 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF SAID SECTION 21; THENCE S 00°03'14" E, ALONG THE EAST LINE OF SAID WEST 1/2 OF THE N.E. 1/4, A DISTANCE OF 2637.27 FEET TO THE NORTHEAST CORNER OF THE N.W. 1/4 OF THE S.E. 1/4 OF SAID SECTION 21; THENCE S 01°08'25" E, ALONG THE EAST LINE OF SAID N.W. 1/4 OF THE S.E. 1/4, A DISTANCE OF 590.00 FEET; THENCE S 89°58'27" W, A DISTANCE OF 1237.68 FEET TO A POINT OF THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 89°44'01" W, AT A DISTANCE OF 3319.04 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°50'41", A DISTANCE OF 396.50 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 3229.04 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°05'06", A DISTANCE OF 399.30 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 00°01'34" W, A DISTANCE OF 2446.75 FEET; THENCE N 00°18'41" E, A DISTANCE OF 1327.03 FEET TO AND INTERSECTION WITH THE NORTH LINE OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°25'38" E, ALONG SAID NORTH LINE, A DISTANCE OF 1276.15 FEET TO THE NORTHEAST CORNER OF SAID S.W. 1/4 OF THE S.E. 1/4; THENCE S 00°21'46" W, A DISTANCE OF 1327.04 FEET TO THE SOUTHEAST CORNER OF SAID S.W. 1/4 OF THE S.E. 1/4 AND THE POINT OF BEGINNING. LYING AND BEING IN SECTION 16 AND 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 133.19 ACRES, MORE OR LESS

CONTAINING A TOTAL OF 320.17 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 17th day of

NOVEMBER, 2005

R.B. SHORE
Clerk of Circuit Court

By:

Marcy Harris D.C.



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

November 22, 2005

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

FILED FOR RECORD
R. B. SHORE

2005 NOV 28 PM 1:10

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 17, 2005 and certified copy of Manatee County Ordinance No. PDMU-00-02(Z)(G)(R2), which was filed in this office on November 21, 2005.

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

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosures