

MANATEE COUNTY ZONING ORDINANCE

2005 APR 13 AM 8:29 PDMU-03-57(Z)(P) - WHC AT GAMBLE CREEK LLC/CROSS CREEK

CLERK OF DISTRICT 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 A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES AND A/CH (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES/COASTAL HIGH HAZARD OVERLAY) TO PDMU (PLANNED DEVELOPMENT MIXED USE) AND PDMU/CH (PLANNED DEVELOPMENT MIXED USE/COASTAL HIGH HAZARD OVERLAY); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW: 1,047 RESIDENTIAL UNITS, CONSISTING OF 662 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES, 203 LOTS FOR SINGLE-FAMILY ATTACHED RESIDENCES, 182 SEMI-DETACHED RESIDENCES, AND ACCESSORY RECREATIONAL FACILITIES; A \pm 22 ACRE ELEMENTARY SCHOOL SITE; AND 106,000 SQUARE FEET OF RETAIL USES, AND GRANTING SPECIAL APPROVAL FOR A PROJECT: (1) EXCEEDING A GROSS DENSITY OF 1.59 DWELLING UNIT PER ACRE IN THE UF-3 FLUC; (2) A NON-RESIDENTIAL USE EXCEEDING 30,000 SQUARE FEET IN UF-3; (3) PARTIALLY IN THE COASTAL EVACUATION AREA; (4) PARTIALLY IN A COASTAL STORM VULNERABILITY AREA; (5) PARTIALLY WITHIN A COASTAL HIGH HAZARD AREA; AND (6) ADJACENT TO A PERENNIAL STREAM.

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 A (General Agriculture, 1 dwelling unit per 5 acres and A/CH (General Agriculture, 1 dwelling unit per 5 acres/Coastal High Hazard Overlay) to PDMU (Planned Development Mixed Use) and PDMU/CH (Planned Development Mixed Use/Coastal High Hazard Overlay).

B. The Board of County Commissioners held a public hearing on March 29, 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 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: 1,047 residential units, consisting of 592 lots for single-family detached residences, 273 lots for single-family attached residences, 182 semi-detached residences, and accessory recreational facilities; a ± 22 acre elementary school site; and 106,000 square feet of retail uses, and GRANTING Special Approval for a project: (1) exceeding a gross density of 1 dwelling unit per acre in the UF-3 FLUC; (2) a non-residential use exceeding 30,000 square feet in UF-3; (3) partially in the Coastal Evacuation Area; (4) partially in a Coastal Storm Vulnerability Area; (5) partially within a Coastal High Hazard Area; and (6) adjacent to a perennial stream subject to the following Stipulations and Specific Approval:

STIPULATIONS

A. BUFFERS

A.1 A 50' wide roadway buffer shall be adjacent to Fort Hamer Road, Mullholland Road, and Golf Course Road. Required landscaping in this roadway buffer, as specified below in (a), (b), (c), (d), (e), (f), and (g) shall provide 85% opacity to a height of six (6) feet as viewed from the edge of pavement three (3) years from the date of the first Final Plat Approval or first Certificate of Occupancy for the adjacent retail commercial parcel.

(a) Canopy trees. Three (3) canopy trees per 100 linear feet of buffer, or fraction thereof, which meet the following minimum standards:

- (i) two and one half (2.5) inch caliper;
- (ii) ten (10) feet in height; and
- (iii) five (5) foot spread.

(b) Understory evergreen trees. Six (6) understory evergreen trees per 100 linear feet of buffer, or fraction thereof, which meet the following minimum standards:

- (i) one and one-half (1.5) inch caliper;
- (ii) six (6) feet in height; and
- (iii) three (3) foot spread.

(c) Evergreen shrubs. Thirty-three (33) evergreen shrubs per 100 linear feet of buffer, or fraction thereof, which meet the following minimum standards:

- (i) thirty-three (33) inches in height; and
- (ii) thirty-six (36) inches on center.

(d) Tree plantings in long straight lines are prohibited and tree plantings shall be in an informal staggered arrangement or clustered in natural, rather than formal

arrangements. As such, the plant spacing standards referenced above are more so for the purpose of quantifying required plantings than for actual spacing of plants.

(e) Plantings in required landscape areas shall be with plant species that are native and naturalized to Florida. In addition to prohibited plant species listed in Section 715.4.D of the LDC, the following species shall not be used: beach sunflower; buttonwood; seagrape; or sea oxide daisy.

(f) To prevent monocultures, a minimum of three (3) different species for each plant category (i.e., canopy tree, understory tree, and shrub) shall be planted within required landscape areas. A maximum of twenty (20) percent of all required trees may be native palm trees transplanted on-site. When palm trees are utilized as canopy trees, a minimum of two (2) palms in a grouping will serve as the equivalent of one (1) canopy tree. Intermittent, gentle contouring of soil to achieve a natural appearance and to facilitate drainage and air flow is permitted in buffer and greenbelt areas.

(g) Meandering sidewalks or trails within roadway buffers are permitted and encouraged, subject to approval by the Planning Department.

(h) View windows not exceeding 50' in width are permitted along each side of access points in to the project, provided that the quantity of trees and shrubs that would be required in these view windows are provided elsewhere in the required roadway buffers.

- A.2 A 20' roadway buffer shall be provided along Community Drive for outparcels 4 and 5. This roadway buffer shall be 20' wide and be planted with two rows of canopy trees (2.5" caliper at least 10 feet in height and 5' spread) spaced 40' on-center.

The remaining buffers in Town Center shall be 10' wide for each individual outparcel and perimeter boundaries. These buffers shall be planted with one row of canopy trees (2.5" caliper at least 10' in height and 5' spread) spaced 33' on center with a hedge. Also, the perimeter buffer shall provide 85% opacity to a height of 6 (six) feet as viewed from the adjacent roadway within three (3) years from Certificate of Occupancy or Temporary Certificate of Occupancy.

- A.3 A 15' perimeter buffer shall be provided adjacent to Chelsea Oaks Subdivision. This buffer shall be planted with one row of canopy trees (2.5" caliper, 10' in height, 5' spread) and one row of understory trees off-set 25' on center in each row and a hedge (30" in height at planting and 36" on center). The required landscaping shall consist of native species typically found in the Parrish area (canopy tree and plant species to be approved by the Planning Department) and shall provide 85% opacity to a height of 6 (six) feet within three (3) years from the date of the first Final Plat approval for Neighborhoods H and I.

- A.4 A 35' wide greenbelt buffer shall be provided along all other property lines adjacent to A zoning, except where no residential lots are proposed within 150' of the property line. For those areas where no lot is within 150', a 15' greenbelt buffer shall be required in accordance with LDC Section 603.7.4.5. This buffer shall be planted with canopy trees, understory trees, and evergreen shrubs in accordance with the planting requirements of Stipulation A.5.

- A.5 A 20' buffer shall be provided around the perimeter of Neighborhood B. This buffer shall be planted with one row of canopy trees (2.5" caliper, 10' in height, with a 5' spread) and one row of understory trees off-set 25' on center in each row and a hedge (30" in height at planting and 36" on center) prior to the first Final Plat approval for Neighborhood B. Required landscaping shall consist of native species typically found in the Parrish area (canopy tree and plant species to be approved by the Planning Department) and shall provide 85% opacity to a height of 6 (six) feet within three (3) years from the date of the first Final Plat approval for Neighborhood B.
- A.6 A 10' wide roadway buffer is required along all internal streets adjacent to reverse frontage lots. Landscaping in these buffers shall conform to the type and quantity standards specified in LDC Section 715.3.2 and shall be planted outside of the right-of-way.
- A.7 Annual reports by a Landscape Architect shall be submitted to the Planning Department to demonstrate that the required canopy trees and hedges are growing at rate to achieve the required height and opacity requirements. If the annual report identifies that required landscaping has died or will not achieve the required height and opacity requirements, additional plantings shall be added as approved by the Planning Department. Annual reports shall be provided until the turnover of the subdivision to Homeowner's Association. Also, a private improvement bond shall be provided for required landscaping and only released after certification provided by a landscape architect and approved by the Planning Department that the required opacity has been achieved. This requirement for annual reports shall not apply to the ±22 acre school site parcel.
- A.8 Overhead power lines or detention or retention ponds shall not be located within landscape buffers, greenbelts, or tree stands designated for preservation or conservation.
- A.9 Existing vegetation within buffers and tree and native plant preservation areas shall not be disturbed and shall remain in a natural state (plant communities shall be preserved at all times) and only required landscaping shall be maintained and pruned in a manner that preserves the natural shape and growth characteristics of the species. Pruning that "lollipops" or grossly alters the natural characteristic form is prohibited.
- A.10 Appropriate buffers for the ±22 acre school site will be determined with the Final Site Plan.

B. LAND USE RESTRICTIONS

B.1 Required Residential Setbacks are as follows:

Setbacks	Front	Side	Rear
Single-Family Detached	20'/15'*	7.5'	15'
Single-Family Semi-Detached	20'	0'/7.5' End Unit	15'
Single-Family	20'	0'/10' End Unit	15'

Attached			
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*15' front setback for side loaded garage.

B.2 Required commercial setbacks are as follows:

Setbacks	Fort Hamer	Local Street	Front	Side	Rear
Building A	650'	100' St. OO	N.A.	N.A.	N.A.
Building B	650'	100' St. OO		60'	
Building C	650'	100' St. OO 200' St. B	N.A.	N.A.	N.A.
Outparcel 1	300'	N.A.	35'	10'	10'
Outparcel 2	300'	N.A.	35'	10'	10'
Outparcel 3	300'	35' St. A	N.A.	10'	10'
Outparcel 4	N.A.	35' St. B	N.A.	10'	N.A.
Outparcel 5	N.A.	35' St. B	N.A.	10'	10'

B.3 All recreational structures shall be setback 30' from the right-of-way or adjacent residential lots. Also, any proposed parking facilities shall be setback 30' from any rear or side residential lot line.

B.4 Lot size and dimensional standards:

- a. The minimum width for single-family detached lots shall be 55 feet.
- b. No more than 65 percent of the single-family detached lots shall be less than 60 feet wide.
- c. All single-family residences shall contain a minimum of 1,100 square feet.
- d. All single-family attached lots shall have driveways 16' wide.
- e. At the time of Final Plat approval all lots adjacent to land zoned A to have a minimum lot width of 60 feet.
- f. At time of Final Plat approval the minimum lot size for perimeter lots adjacent to A zoning shall be 7,200 sq. ft.

B.5 The site may continue to be used for agricultural activities, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use.

- B.6 Street lighting and lighting within common areas for the residential portions of the project shall be limited to a maximum height of 16' with a unified theme. All street lights shall be directed to the interior of the development using horizontal cut-off fixtures, unless decorative street lights are installed. All street lighting shall comply with Section 709.2.2 of the Land Development Code.

Street lighting along Community Drive and any pole or building mounted lights in the commercial portion of the project shall be limited to 20' in height and be directed to the interior of the development using horizontal cut-off fixtures. The design and shielding of any street lighting along Community Drive or within the commercial portion of the project shall comply with Section 709.2.2 of the Land Development Code.

Lighting within the school site shall be limited to 20' in height and be directed to the interior of the development using horizontal cut-off fixtures. The design and shielding of any on-site lighting within the school site shall comply with Section 709.2.2 of the Land Development Code.

- B.7 No construction activity shall occur on Sundays or holidays. On all other days construction activity shall be limited to the hours between 7:00 a.m. and sundown. This requirement shall not apply to construction on the school site, however, all construction on the school site shall comply with the Manatee County Noise Ordinance.
- B.8 The design of the single-family attached and single-family semi-detached residences shall be in substantial conformance with the photographs entered into the record at the public hearing for this case.
- B.9 All residences on perimeter lots adjacent to Ft. Hamer Road shall be restricted to one story and a maximum height of 22', as building height is defined in the Land Development Code. Any pool cages or other screened cages for these lots shall not exceed the height of the home and shall utilize materials of a dark color such as black or bronze. This condition shall be reflected in the covenants and restrictions for the subdivision.
- B.10 The maximum height for all structures shall be 35', except as specified in stipulation B.9.
- B.11 A non-ingress egress easement shall be recorded adjacent to all lots along Fort Hamer Road, Golf Course Road, Mulholland Road, and Community Park Drive, except for approved access points.
- B.12 The 14 acre passive park shall be allowed one ground sign in accordance with LDC Sections 713 and 724.
- B.13 All structures designated for removal shall be removed prior to Final Subdivision Plat approval. Prior to Final Site Plan approval, the applicant shall make any required payment to County Affordable Housing Trust Fund or provide a clearance letter from Community Services that any home(s) removed from the site did not qualify as affordable housing.

- B.14 The approval of the rezoning and preliminary site plan is expressly contingent upon the approval and execution by the Manatee County School Board of the partially executed Agreement For Sale and Purchase of Property For A School Site entered into the record by the applicant at the March 29, 2005 public hearing of the BOCC pertaining to the purchase of the approximate 22 acre site generally located at the southwest corner of the project at Fort Hamer Road by the Manatee County School Board or acquisition by the Manatee County School Board by eminent domain of the subject 22 acre site for a proposed elementary school site. The Final Site Plan(s) for this project will be revised administratively to reflect the deletion of ± 22 acres that will be conveyed to the Manatee County School Board for an elementary school site, provided that perimeter buffers and access points for the project are not substantially changed. The proposed stormwater pond in the southeast corner of the site must also be incorporated into the final design. In the event a school site is conveyed to the Manatee County School Board, the final boundaries of the school site must be determined prior to Final Site Plan approval for Subphases F, H, or I.
- B.15 A revised Preliminary Site Plan is required for the future elementary school site, in accordance with Land Development Code Section 508. It is anticipated that ± 70 lots for single-family detached residences will be displaced by the proposed school.
- C. COMMERCIAL
- C.1 The design of the commercial buildings A, B, and C shall be in substantial conformance with the building submitted into the record.
- C.2 The maximum gross floor areas shall be as follows:
- a. Building A: 53,200 square feet.
 - b. Building B: 9,600 square feet.
 - c. Building C: 12,800 square feet.
- C.3 Signs shall be restricted as follows:
- a. One sign shall be allowed to identify the commercial component of the project along Fort Hamer Road. This sign shall be in substantial conformance with the sign elevation drawing entered in to the record for this case. Additional permitted signs shall be limited to ground signs on each outparcel or wall mounted signs in accordance with LDC Section 724. All signs shall use building materials consistent with those in the development.
 - b. Signs shall be of a common theme and contain similar materials, to be approved by the Planning Department with the first Final Site Plan.
 - c. Ground signs or outparcels shall not exceed a height of 8 feet.
 - d. One ground sign is permitted for the school site. Additional wall signs on the school building(s) are also permitted. All signs for the school shall conform to the LDC requirements for signs.

C.4 Lighting. Site lighting for the commercial component of the project is limited, as follows:

- a. The design and shielding of on-site lighting shall be uniform and designed to ensure no off-site glare or spill over lighting occurs. Spill over lighting shall be limited to a maximum of 3 lux (0.3 foot candles). In addition, pole and building mounted lights shall be limited to 20' in height within the site and directed to the interior of the development using full cut-off or a well shield type of luminary.
- b. Light fixtures on buildings may be used at entrances to a building to light unsafe areas. Light fixtures shall not draw attention to the building and be fully shielded to direct the light downward, unless otherwise approved by Planning Department prior to Final Site Plan approval for specific architectural building features.
- c. Neon or tube lighting, exposed or concealed, shall not be used to outline architectural features. Also, outdoor fluorescent lighting and flood lights are not be permitted on this site.
- d. A signed and sealed Photometric Plan by a registered engineer shall be submitted to the Planning Department along the Final Site Plan for approval and shall reflect a schedule of project fixtures, a point to point calculated level of illumination with the photometric curve of each luminary, the configuration or assemblies used for pole, and mounting height of each fixture as required above. The plan shall also include calculated rates of illumination to ensure uniform illumination within the site. The overall average illuminance divided by the minimum illuminance shall be less than or equal to 3 and the overall maximum illuminance divided by the minimum illuminance shall range between 4 and 8.

C.5 This project shall be limited to the following commercial uses:

Buildings A, B, or C:

Retails Sales, Neighborhood Convenience

Sit Down Eating Establishments

Bank

Professional Office

Clinic

Veterinary Clinic

Pick-up dry cleaners*

Personal Service Establishment

*drive-thru for end cap of Buildings B or C.

Retail Sales, General, limited to the following:

Apparel, shoes, art supplies, camera and photography supplies, furniture, hardware supplies, toys, crafts, jewelry, musical instruments and supplies, office supplies, paint, wallpaper, pets, stereos, televisions, florists, tobacco shops, candy, nut and confectionery shops, and sporting goods).

Uses allowed on outparcels:

Retails Sale, Neighborhood Convenience

Restaurants or eating establishments (shall be restricted to sit down only with no drive-thru permitted),

Bank with drive thru

Professional Office

Clinic

Veterinary Clinic

Drive-thru Cleaners

Drug store with drive-thru

Personal Service Establishment

C.6 The following commercial uses are not allowed on the site:

Service stations or convenience stores with gas pumps on any outparcel.

Building materials establishments

Motor vehicle repair service establishments.

D. RECREATION

D.1 Parks shown on the Preliminary Site Plan shall be developed concurrently with the platting of adjacent subdivisions.

D.2 The 2.6 acre park shall contain off-street parking, a 2 acre grass play area, commercial grade tot lot (consisting of 13 or more play activities), park benches, and a covered picnic areas area with four (4) picnic tables, rest rooms, and water fountain. Each recreational activity area shall be connected with a 5' sidewalk. This park shall be constructed prior to the first Final Plat in Phase 1 Neighborhood A or Phase 5 Neighborhood B, whichever is first.

D.3 The 9 acre community park shall contain off-street parking, shade trees around each recreational activity, a commercial grade tot lot (13 or more play activities), a grass field, multi-purpose court, restrooms (separate building or with the clubhouse), water fountains, and picnic tables.

D.4 Each pocket park shall contain at least 5 shade trees, grass play area, commercial grade tot lot (7 or more play activities), and benches. Alternative proposals for the pocket parks will be examined on a case by case basis, subject to Planning Department approval. Such alternatives may include passive pocket parks with gazebos, fountains with benches, or garden settings.

D.5 At least 75% percent of the pedestrian trails shall be a paved or have a 4 inch thick compacted shell surface. Grassed or mulched sections shall be clearly defined.

D.6 The pedestrian linkage to the 14 acre passive park shall be open to the public via pedestrian easement.

- D.7 Boardwalks, pedestrian trails, sidewalks, and other activities shown within upland preservation areas shall be designed in way that avoids or minimizes impacts to existing desirable native vegetation.

E. ROADWAYS AND UTILITIES

- E.1 This approval is conditioned upon the execution and performance of the LDA-05-01, by the applicant or successor developer, including, without limitation, the dedications, easements and improvements provided, therein.
- E.2 Prior to first Final Site Plan approval, turn out lanes, bus stops, and shelter locations meeting ADA and MCAT standards shall be determined and approved by MCAT for the entire project. Also, MCAT facilities discussed above shall be constructed prior to the first Certificate of Occupancy in the retail commercial component of the project, and applicable subdivision phases under construction.
- E.3 Inter-neighborhood ties shall be provided as follows:
 - a. A vehicular and pedestrian connection shall be shown to the agricultural property to the north of Phase 7 in Neighborhood C.
 - b. A vehicular and pedestrian connection shall be shown west of the cul-de-sac in Phase 18 in Neighborhood J along the west property line.
- E.4 Any phase of this project containing more than one hundred (100) dwelling units shall have a second means of access.
- E.5 The 5' sidewalk along Golf Course Road shall be extended west to connect to Fort Hamer Road. Installation of this sidewalk shall be completed simultaneously with the construction of the Golf Course Road entrance. If adequate right-of-way does not exist off-site, the developer shall contribute the cost of construction a 5' sidewalk (+/-2,000 linear feet in length) to the sidewalk fund.
- E.6 5' sidewalks are required on both sides of all internal streets, in both the residential and non-residential phases in accordance with the requirements of LDC Section 722.1.4.3.
- E.7 A 10' wide asphalt multi-purpose path shall be constructed within the 25' greenway easement along Fort Hamer Road and be dedicated for public use. This pathway shall be outside the 10' wide drainage easement consistent with stipulation E.13.
- E.8 At least one pedestrian only access is required between the school site and the internal roadway network.
- E.9 Street LL in Neighborhood I, Phase 15 shall be extended to provide a vehicular and pedestrian connection to Street QQ in Neighborhood F, Phase 10.
- E.10 A 60' half right-of-way along Golf Course Road, a 75' half right-of-way along Fort Hamer, and a 42' half right-of-way along Mulholland Road shall be dedicated prior to or in conjunction with Final Plat approval.

- E.11 The applicant shall make available and show on the Final Site Plan stormwater pond capacity related to the stormwater treatment volumes required for the Upper Manatee River Road Bridge project. This pond will be separate from the ±22 acre school site. This pond site will be designed with 3.73 acre feet of storage capacity larger than any pond required for project stormwater. Final design and location will require Transportation Department approval. Also, access, maintenance, and drainage easements from Fort Hamer shall be provided.
- E.12 The applicant shall grant an easement to Manatee County for a ten (10) acre site west of Gamble Creek for stormwater pond capacity, floodplain compensation, and wetland mitigation for the future expansion of Mulholland Road Bridge. This easement shall be conveyed to Manatee County upon request or prior to Final Plat approval of Neighborhood J. Also, an unobstructed 25' access and maintenance easement from Mulholland Road to the easement shall be shown on the Final Site Plan and Final Plat. This easement shall be located in such a way as to allow for heavy equipment to access off Mulholland Road and not enter through the street in Neighborhood J.
- E.13 The applicant shall provide County with access and appropriate easements in order for the County to locate and construct a stormwater retention pond up to a 4 acre site at the northwest corner of the community where it abuts Ft. Hamer Road and Golf Course Road. These easement areas shall be configured in such a way to allow the developer to design and construct the multi purpose path (enhanced sidewalk) to the south and east of the pond outside of wetlands, wetland buffers and the pond site. The applicant shall make available and show on the Final Site Plan stormwater pond capacity for the future Fort Hamer Road improvements.
- E.14 The final design for this project shall incorporate traffic calming measures along internal streets, to be approved by the Transportation and Planning Departments with the Final Site Plan. Such measures may include roundabouts, reduced pavement width, raised tables, or pedestrian and children at play signs.
- E.15
 - a. The northern most access point to Fort Hamer Road may remain as a full access point for an interim period, until such time as the reconstruction of Fort Hamer Road as a multi-lane facility commences. This access point may then be restricted to right in-right out only or to right in-right out only with a southbound directional median left turn opening, as part of the reconstruction of Ft. Hamer Road.
 - b. The middle access driveway to the commercial area from Fort Hamer Road shall be restricted to right in-right out only by the construction of a raised median/separator on Fort Hamer Road from Old Tampa Road to a point 500 feet north, to be constructed simultaneously with the required intersection improvements.
 - c. The Final Site Plan for the school site may show up to two access points to Fort Hamer Road for school traffic. One of these access points may be temporary and may be closed or limited to right-in and right-out traffic only when

improvements to Fort Hamer Road are complete. Additional internal access points to the school site may be provided and shown on the Final Site Plan.

- E.16 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.
- E.17 The developer shall provide potable water and wastewater collection system stub outs within all inter-neighborhood ties.
- E.18 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.
- E.19 All wastewater lift stations, service cleanouts, and manhole rims shall be set 12 inches above the 25-year floodplain or 4 inches above the 100 year flood elevation, whichever is higher. However, the Project Management Dept. may approve service cleanouts and manhole rims installed no lower than 4" above the 25 year flood elevation. Lift stations and valve vault hatches shall always be at least 4" above the 100 year elevation, 12" above the 25 year flood elevation, or 8" above the surrounding ground, whichever is higher.
- E.20 All local roads shall be constructed above the 100 year flood elevation. The design elevation shall be coordinated with the Project Management and Transportation Departments with construction drawings.
- E.21 The Engineer of Record or Architect must provide documentation to prove that concurrency has been met relative to fire flow.

F. DRAINAGE AND FLOODPLAIN MANAGMENT

- F.1 Final engineering and drainage design shall be approved prior to Final Site Plan approval, including the following:
 - a. A no-rise permit will be required for all encroachments within the FEMA 100-year floodway of Gamble Creek.
 - b. Any fill within the 25-year or 100-year floodplains of Gamble Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. Floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
 - c. There shall be a full 25-year attenuation on all stormwater ponds within the development.
 - d. The existing 25-year flood elevation along Gamble Creek shall be utilized as tailwater condition.

- e. The project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Modeling shall be used to determine pre- and post-development flows.
 - f. The Drainage Model and Construction Plans shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and site runoff.
- F.2 All residential lots shall be located outside of the post-development 25-year floodplain.
- F.3 A Drainage Easement shall be dedicated to Manatee County prior to the first Final Plat approval, and be shown on the Final Site Plan and Final Plats along Gamble Creek within the floodway boundaries. This drainage easement shall be inclusive of conservation/tree preservation easements dedicated to Manatee County.
- F.4 A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along the lateral drainage ditch running southeast from Fort Hamer Road to Gamble Creek within the project boundaries. In addition, a 25 foot wide Drainage Maintenance and Access Easement shall be dedicated on at least one side of the drainage ditch.
- F.5 All internal roadways proposed within the 100 year floodplain shall be constructed at an elevation above the 100 year floodplain.
- G. ENVIRONMENTAL
- G.1 Conservation Easements inclusive of areas defined as wetlands, wetland buffers, and upland preservation areas shall be recorded concurrently with the Final Plat. The 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 signs, and the consequences of violations. The boundaries of conservation areas shall be marked with signs in English and Spanish that indicate a "Conservation Area". The number and placement of signs shall be approved with the Final Site Plan approval.
- Prior to Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation or conservation areas shall be dedicated to the County.
- G.2 Unless otherwise approved by Planning 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.
- G.3 No burning permits shall be issued for this site. Any trees removed shall be mulched.
- G.4 Upland preservation areas shall be clearly delineated, labeled, and quantified on the Final Site Plan.

- G.5 No docks or a boat ramp are allowed along Gamble Creek. Only one dock or pier for use as a fishing or observation platform is allowable in a location to be determined by the Planning Department with the Final Site Plan.
- G.6 A 50 wide tree preservation and greenbelt easement, inclusive of the greenbelt, wetland, and upland conservation areas and drainage easement shall be designated adjacent to Gamble Creek. No 4 inch d.b.h. trees or greater shall be removed within the Tree Preservation Easement, except as allowed by LDC Section 714.2.2 of the Land Development Code.
- G.7 No lots shall be platted through wetlands, wetland buffers, or upland preservation areas.
- G.8 Prior to first Final 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.
- G.9 The applicant shall submit a Well Management Plan to the County for review and approval prior to Final Site Plan approval.
- G.10 An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the County for review and approval prior to Final Site Plan approval.
- G.11 A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the County for review and approval with the Erosion and Sediment Control Plan as required by Section 508.3.4.7(j) of the LDC.
- G.12 Prior to Final Site plan approval, the applicant shall provide an updated study for the presence of threatened/endangered species and species of special concern. Appropriate permits shall be obtained or Wildlife Management Plans shall be approved by the U.S. Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission for any listed species found on-site, prior to Final Site Plan approval.
- G.13 Prior to Final Site Plan approval, the applicant shall provide a copy of the approved SWFWMD permit.
- G.14 Upland Preservation Areas shall be clearly delineated, labeled, and quantified on the Final Site Plan. Upland Preservation Areas shall be consistent with those shown on the Preliminary Site Plan and exhibits entered into the record at the public hearing.
- G.15 The Developer shall participate in any Basin Management Action Plan (BMAP) that is developed for a sub-basin located partially or wholly within the project boundary. Furthermore, any responsibility that the Developer takes on under the scope of a BMAP shall be passed on to future responsible parties within the development (e.g., homeowners associations).

H. TREE AND NATIVE VEGETATION CONSERVATION PLAN AND PROTECTION

H.1 A Tree and Native Vegetation Conservation Plan shall be a part of the Final Site Plan and Construction Plans. At a minimum the plan shall include the following information:

- a. Tree and native vegetation preservation areas.
- b. The limits of clearing.
- c. A tree survey for those areas to be disturbed, showing the location, type, condition, and DBH of all trees greater than 4".
- d. Typical section details for all activities within 25' of any preservation areas.
- e. Habitat communities with reference to The Florida Land Use, Cover, and Forms Classification System.
- f. Existing and proposed grades.
- g. Location of tree protection barricades.
- h. Location of proposed improvements, including utilities.
- i. 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.

H.2 TREE PROTECTION MEASURES:

- a. Land clearing, tree removal, or grading shall be limited to the specific phase receiving Final Site Plan and Construction Plan approval. Prior to construction, grading, or tree removal from the site, required tree protective barriers within each phase of construction shall be installed to protect 4" DBH and greater trees identified for protection and native vegetation areas.
- b. Tree barricades for trees to be preserved shall be located at the drip line or as per the direction of a certified arborist, based on actual field conditions and in relation to the proposed construction. 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, and storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height or alternative barricade design subject to approval by the Planning Department.
- c. 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 LDC. 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.

- d. The developer shall perform weekly monitoring in written log form of tree protection measures.
 - e. The developer shall immediately notify the Planning Department in the event that any preserved tree or native vegetation is adversely impacted.
- H.3 Tree replacement shall be provided in accordance with Section 714 of the Manatee County Land Development Code.
- H.4 Violating tree protection zones, injuring roots or above ground portions of trees, using improper grading techniques, or failing to follow other protective measures spelled out in the Tree and Native Vegetation Conservation Plan shall be subject to penalty as prescribed by the LDC. The developer shall immediately notify the Planning Department if any of the above occurs.

I. NOTICES

- I.1 The Notice to Buyer shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan and shall include language informing prospective home buyers of:
- a. The presence of neighboring agricultural uses, including possible use of pesticides and herbicides and of odors and noises associated with agricultural uses.
 - b. The presence of inter-neighborhood ties in these neighborhoods which shall connect to a future roadway when development occurs on the adjacent property.
 - c. Neighborhood J is in a flood prone area and the site is partially within the Coastal Storm Vulnerability Areas.
 - d. A hazard disclosure statement for homes in Neighborhood J generally describing the property's relative probability of damage from floodwaters. This disclosure shall also list potential mitigation strategies including elevation, where the builder has exceeded floodplain construction standards, and other potential measures to increase safety.
 - e. Construction of a future bridge connecting Upper Manatee River Road and Fort Hamer Road and future road improvements along Fort Hamer.
 - f. The future extension of Mulholland Road to the east, connecting to Rye Road.
 - g. Informing prospective home-owners that Manatee County is not obligated to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of the stream bed of Gamble Creek or any ditch directly or indirectly flowing into the Gamble Creek.
 - h. Informing prospective homeowners that the Manatee County School Board may locate an elementary school adjacent to Fort Hamer Road, in the southwest corner of the project.

J. PUBLIC SAFETY

- J.1 All emergency access roads shall be paved (20' width) and constructed at an elevation above the 100 year flood elevation.
- J.2 A turnaround shall be provided near the midpoint of dead end streets exceeding 800' in length.
- J.3 All emergency access roads shall be clearly marked by signs to clearly identify access and prohibit vehicle parking. Any gates 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 EMS and the Fire Marshall approving the proposed system.

K. ARCHAEOLOGICAL AND HISTORICAL RESOURCES

- K.1 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 shall 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.

SPECIFIC APPROVAL:

- 1. Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code to allow Streets AAA and BBB exceed 800 feet provided that the proposed emergency access roads are paved at a 20' width and constructed at a elevation above the 100 year floodplain.

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 and A/CH (General Agriculture, 1 dwelling unit per 5 acres/Coastal High Hazard Overlay) to PDMU (Planned Development Mixed Use) and PDMU/CH (Planned Development Mixed Use/Coastal High Hazard Overlay), 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.

DESCRIPTION: A PARCEL OF LAND LYING IN SECTIONS 4, 5, 8, 9, AND 10, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 4, RUN THENCE ALONG THE NORTH BOUNDARY OF THE NORTHWEST ¼ OF SAID SECTION 4, ALSO BEING THE CENTERLINE OF GOLF COURSE ROAD (66' MAINTAINED RIGHT-OF-WAY), N 89° 55' 58"

E., 332.28 FEET; THENCE S. 00° 04' 02" E., 33.00 FEET TO A POINT ON THE SOUTH MAINTAINED RIGHT-OF-WAY LINE OF SAID GOLF COURSE ROAD FOR A POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1152, PAGE 1115, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTH MAINTAINED RIGHT-OF-WAY LINE, LYING 33.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH BOUNDARY OF THE NORTHWEST ¼ OF SECTION 4, N. 89° 55' 58" E., 1018.98 FEET TO A POINT ON THE EAST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1272, PAGE 3021, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHWEST CORNER OF PARCEL ONE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1322, PAGES 2874 AND 2880; THENCE ALONG SAID EAST BOUNDARY OF PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1272, PAGE 3021, ALSO BEING THE WEST BOUNDARY OF SAID PARCEL ONE, AND THE WEST BOUNDARY OF PARCEL TWO, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1322, PAGE 3592, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, S. 00° 03' 03" W., 2632.03 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL TWO; THENCE ALONG THE NORTH BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1272, PAGE 3021, AND THE SOUTH BOUNDARY OF SAID PARCEL TWO, S. 89° 59' 03" E., 43.24 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1170, PAGES 1 AND 5, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WESTERLY AND SOUTHERLY BOUNDARIES OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1170, PAGES 1 AND 5 THE FOLLOWING FOUR (4) COURSES: 1) S. 01° 39' 22" W., 475.25 FEET; 2) S. 89° 59' 00" E., 524.89 FEET; 3) S. 00° 04' 21" W., 1369.94 FEET; 4) S. 89° 55' 25" E., 170.35 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF A DRAINAGE DITCH, AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1170, PAGES 1 AND 5; THENCE ALONG SAID CENTERLINE OF DRAINAGE DITCH THE FOLLOWING TWO (2) COURSES: 1) N. 79° 28' 14" E., 1618.22 FEET TO A POINT HEREINAFTER BEING REFERRED TO AS POINT "A"; 2) CONTINUE N. 79° 28' 14" E., 85.0 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE CENTERLINE OF GAMBLE CREEK; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE OF GAMBLE CREEK, 6412 FEET, MORE OR LESS, TO A POINT ON THE NORTH BOUNDARY OF THE SOUTH 633.00 FEET OF THE NORTHWEST ¼ OF AFORESAID SECTION 10; THENCE ALONG SAID NORTH BOUNDARY THE FOLLOWING TWO COURSES: 1) N. 89° 47' 42" W., 117.6 FEET, MORE OR LESS, TO A POINT HEREINAFTER BEING REFERRED TO AS POINT "B" (REFERENCE LINE FROM POINT "A" TO POINT "B" BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT SAID POINT "A", RUN THENCE S. 20° 49' 00" E., 1592.22 FEET; THENCE S. 59° 42' 13" E., 1084.21 FEET; THENCE S. 09° 44' 50" E., 1142.21 FEET TO AFORESAID POINT "B", AND THE POINT OF TERMINUS FOR SAID REFERENCE LINE); 2) CONTINUE, N. 89° 47' 42" W., 50.00 FEET TO A POINT ON THE WEST BOUNDARY OF SAID NORTHWEST ¼ OF SECTION 10; THENCE ALONG THE NORTH BOUNDARY OF THE SOUTH 633.00 FEET OF THE EAST 571.00 FEET OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF AFORESAID SECTION 9, S. 89° 49' 37" W., 570.98 FEET TO THE NORTHWEST CORNER THEREOF; THENCE ALONG THE WEST BOUNDARY OF SAID SOUTH 633.00 FEET OF THE EAST 571.00 FEET OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 9, S. 00° 04' 06" W., 578.63 FEET TO A POINT ON THE NORTH MAINTAINED RIGHT-OF-WAY LINE OF MULHOLLAND ROAD; THENCE ALONG SAID NORTH MAINTAINED RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES: 1) S. 86° 56' 29" W., 424.29 FEET; 2) ALONG A LINE

LYING 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH BOUNDARY OF SAID NORTHEAST $\frac{1}{4}$ OF SECTION 9, S. $89^{\circ} 49' 36''$ W., 336.44 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 9, ALSO BEING A POINT ON THE EAST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1844, PAGE 2175, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID WEST BOUNDARY OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 9, AND SAID EAST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1844, PAGE 2175, N. $00^{\circ} 06' 02''$ E., 1294.53 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SAID NORTHEAST $\frac{1}{4}$ OF SECTION 9, ALSO BEING THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1844, PAGE 2175; THENCE ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 9, ALSO BEING THE NORTH BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1844, PAGE 2175, AND THE NORTH BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1469, PAGE 2312 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, N. $89^{\circ} 58' 31''$ W., 610.41 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1469, PAGE 2312; THENCE ALONG THE EAST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 908, PAGE 534, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, N. $00^{\circ} 01' 12''$ W., 50.00 FEET; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 908, PAGE 534, LYING 50.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH BOUNDARY OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 9, N. $89^{\circ} 58' 31''$ W., 554.54 FEET; THENCE ALONG THE EAST BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 908, PAGE 534, N. $00^{\circ} 02' 30''$ E., 512.33 FEET; THENCE ALONG THE NORTH BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1817, PAGE 1535, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND THE EASTERLY EXTENSION THEREOF, N. $89^{\circ} 58' 31''$ W., 824.12 FEET TO A POINT ON THE EAST BOUNDARY OF THE WEST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 9, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1817, PAGE 1535; THENCE ALONG SAID EAST BOUNDARY OF THE WEST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 9, N. $00^{\circ} 00' 51''$ W., 772.22 FEET TO A POINT ON THE NORTH BOUNDARY OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 9, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID WEST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 9, THENCE ALONG SAID NORTH BOUNDARY OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 9, N. $89^{\circ} 47' 09''$ W., 665.78 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID NORTHWEST $\frac{1}{4}$ OF SECTION 9; THENCE ALONG THE EAST BOUNDARY OF THE WEST $\frac{1}{2}$ OF SAID NORTHWEST $\frac{1}{4}$ OF SECTION 9, S. $00^{\circ} 03' 30''$ W., 471.55 FEET; THENCE ALONG THE NORTH BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1132, PAGE 2695, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, AND THE EASTERLY PROLONGATION THEREOF, N. $89^{\circ} 58' 03''$ W., 3974.19 FEET TO A POINT ON THE EAST MAINTAINED RIGHT-OF-WAY LINE OF FORT HAMER ROAD, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1132, PAGE 2695; THENCE ALONG SAID EAST MAINTAINED RIGHT-OF-WAY LINE, AND IN PART, LYING 40.00 FEET EAST OF AND PARALLEL WITH THE WEST BOUNDARY OF THE NORTHEAST $\frac{1}{4}$ OF AFORESAID SECTION 8, AND IN PART, LYING 40.00 FEET

EAST OF AND PARALLEL WITH THE WEST BOUNDARY OF THE EAST 1/2 OF AFORESAID SECTION 5, N. 00° 06' 46" E., 5818.6 FEET TO A POINT ON AFORESAID SOUTH MAINTAINED RIGHT-OF-WAY LINE OF GOLF COURSE ROAD; THENCE ALONG SAID SOUTH MAINTAINED RIGHT-OF-WAY LINE, LYING 33.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH BOUNDARY OF THE NORTHEAST ¼ OF SAID SECTION 5; S. 89° 11' 57" E., 969.67 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1185, PAGE 3426, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1185, PAGE 3426, LYING 329.99 FEET WEST OF AND PARALLEL WITH THE EAST BOUNDARY OF THE NORTHWEST ¼ OF SAID NORTHEAST ¼ OF SECTION 5, S. 00° 03' 40" W., 660.03 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1185, PAGE 3426; THENCE ALONG THE SOUTH BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1185, PAGE 3426, LYING 693.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH BOUNDARY OF THE NORTHEAST ¼ OF SECTION 5, S. 89° 11' 57" E., 330.01 FEET TO A POINT ON SAID EAST BOUNDARY OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 5, ALSO BEING THE WEST BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1800, PAGE 2978, AND THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1185, PAGE 3426; THENCE ALONG SAID EAST BOUNDARY OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 5, ALSO BEING SAID WEST BOUNDARY OF PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1800, PAGE 2978, S. 00° 03' 40" W., 647.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ¼ OF SAID NORTHEAST ¼ OF SECTION 5, ALSO BEING THE SOUTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1800, PAGE 2978; THENCE ALONG THE SOUTH BOUNDARY OF SAID NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 5, AS MONUMENTED AND OCCUPIED, THE FOLLOWING TWO COURSES: 1) ALONG THE SOUTH BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOKS 1800, PAGE 2978, AND THE SOUTH BOUNDARY OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1254, PAGE 2572, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, S. 89° 30' 35" E., 669.68 FEET OT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1254, PAGE 2572, ALSO BEING THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 337, PAGE 536, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; 2) ALONG THE SOUTH BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 337, PAGE 536, S. 89° 33' 50" E., 669.21 FEET TO THE SOUTHEAST CORNER THEREOF, ALSO BEING THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF AFORESAID SECTION 4, AND THE SOUTHWEST CORNER OF AFORESAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1152, PAGE 1115; THENCE ALONG THE SOUTH BOUNDARY OF SAID NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 4, AS MONUMENTED, ALSO BEING THE SOUTH BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1152, PAGE 1115, N. 89° 57' 02" E., 333.62 FEET TO THE SOUTHEAST CORNER OF SAID WEST ½ OF THE WEST ½ OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 4, ALSO BEING THE SOUTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1152, PAGE 1115; THENCE ALONG THE EAST BOUNDARY OF SAID WEST ½ OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 4, ALSO BEING

THE EAST BOUNDARY OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1152, PAGE 1115, N. 00° 02' 07" E., 1299.75 FEET TO THE POINT OF BEGINNING. CONTAINING 694.139 ACRES, MORE OR LESS.

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 29th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____

Chairman

ATTEST:

R. B. SHORE

Clerk of the Circuit Court



By: [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 5th day of

April, 2005

R.B. SHORE

Clerk of Circuit Court

By: [Signature] D.C.

FILED FOR RECORD
R. B. SHORE

2005 APR 13 AM 8:29

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

April 8, 2005

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 4, 2005 and certified copy of Manatee County Ordinance No. PDMU-03-57(Z)(P), which was filed in this office on April 8, 2005.

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

Sincerely,

Liz Cloud
Program Administrator

LC/kcs

Enclosures

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