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2003 MAR 28 PM 4:19

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

MANATEE COUNTY ZONING ORDINANCE
PDR-02-21(Z)(P) - MILLER ENTERPRISES OF MANATEE INC./WINDWARD HOMES

FILED FOR RECORD
R. B. SHORE

2003 APR -2 PM 2:51

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 RSMH-4.5 (RESIDENTIAL SINGLE-FAMILY-MANUFACTURED HOME/4.5 DWELLING UNITS PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW ONE HUNDRED THIRTEEN (113) LOTS FOR SINGLE-FAMILY DETACHED HOMES AT A GROSS DENSITY OF 2.8 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 RSMH-4.5 (Residential Single-Family-Manufactured Home/4.5 dwelling units per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on March 25, 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.

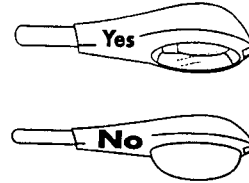
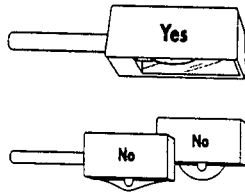
Section 2. The Preliminary Site Plan is hereby APPROVED to allow one hundred thirteen (113) lots for single-family detached homes at a gross density of 2.8 dwelling units per acre with the following stipulations:

STIPULATIONS

1. A six foot 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 69th Street East and Ellenton Gillette Road. All required landscaping shall be placed on the outside or roadway side of the wall. The design of the facility shall be in substantial conformance with the design drawings entered into the record for this case.

2. A 15 foot wide landscape buffer, containing 2 offset rows of canopy and understory trees (10 ft. tall, 4 ft. spread and placed 30 ft. on center), shall be installed along the western property line adjacent to the Sysco building. Lots shall not be platted through this buffer. This buffer shall be 60% opaque to a height of 6 feet at the time of planting.
3. Enhanced roadway and perimeter buffer plantings, as shown on the landscape plan shall be provided in accordance with Sections 737.5.1.1 and 715 of the LDC.
4. 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.
5. The recreational facility will provide 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. The design of the facility shall be in substantial conformance with the design drawings entered into the record for this case.
6. All lots adjacent to active agricultural operations shall have an additional 35' setback. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the Final Plat.
7. 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.
8. 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.
9. All nuisance exotic plant species shall be removed from upland portions of the site prior to Final Plat approval, in accordance with Section 715.4 of the LDC.
10. A Well Management Plan for the proper abandonment of the existing well shall be submitted to the EMD with the Final Site Plan.
11. The Notice to Buyers and Final Site Plan shall include a notice to inform homeowners of the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
12. A non-ingress egress easement shall be recorded along the frontage of all lots along 69th Street East and Ellenton Gillette Road and shown on the Final Plat.
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 houses 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 including its use on individual lots.
16. Unless otherwise approved by Environmental Management Department, native or drought tolerant 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.
17. 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.
18. 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.

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 RSMH-4.5 (Residential Single-Family-Manufactured Home/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.

THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 33 SOUTH, RANGE 18 EAST, AND ALL THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 LYING WEST OF ELLENTON-GILLETTE ROAD (AS DESCRIBED IN DEED TO THE STATE OF

FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED IN OFFICIAL RECORDS BOOK 1026, PAGE 374, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA) IN SECTION 29, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR ERIE ROAD

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 25th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

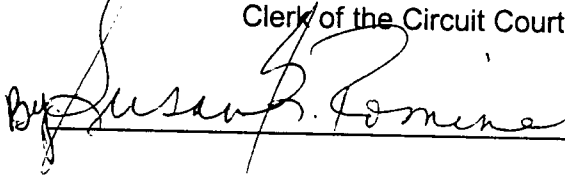
BY: 

1st Vice - Chairman

ATTEST:

R. B. SHORE

Clerk of the Circuit Court

 D.C.

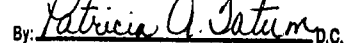


STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 26th day of

March, 2003

R.B. SHORE
Clerk of Circuit Court

By:  D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS

Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
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Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board

RINGLING MUSEUM OF ART

March 31, 2003

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

RECEIVED

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BOARD RECORDS

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated March 26, 2003 and certified copies of Manatee County Ordinance Nos. PDR-02-10(Z)(P) and PDR-02-21(Z)(P), which were filed in this office on March 28, 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 original date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief

Bureau of Administrative Code

LC/mp

Enclosure

BUREAU OF ADMINISTRATIVE CODE

The Collins Building • 107 West Gaines Street • Tallahassee, Florida 32399-0250 • (850) 245-6270
FAX: (850) 245-6282 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: election@mail.dos.state.fl.us