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DEPARTMENT OF  
TALLAHASSEE, FLORIDA

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R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE

2003 SEP -3 AM 8:42 PR-02-28(Z)(P) - PRIME TOWN HOMES (fka Prime Villas)

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R. B. SHORE

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CLERK OF THE CIRCUIT COURT  
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 CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 170 SINGLE-FAMILY ATTACHED UNITS, AND GRANTING SPECIAL APPROVAL FOR A PROJECT WITHIN THE ENTRANCEWAY.

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 A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on August 19, 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 170 single-family attached units, and GRANTING Special Approval for a project within the Entranceway with the following stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. No lots shall be platted through any greenbelt, landscape buffer, retention pond, wetland (with the exception of any EMD approved impacts), or wetland buffers.

2. If a fence or wall is utilized within any of the landscape buffers, all required landscaping shall be planted on the exterior side of the fence.
3. No detention or retention ponds shall be constructed within the landscape buffers or greenbelts.
4. The north landscape buffer, along 29<sup>th</sup> Street East, shall be a minimum of 25 feet wide. The buffer shall be planted with two rows of canopy trees (2 ½" caliper, 12' in height, with a 4' spread) off-set 25' on-center with a hedge. Existing vegetation fulfilling the requirements of this stipulation may be used to satisfy this requirement.
5. Existing native vegetation, excluding nuisance exotics, shall remain in the landscape buffers. If the removal of nuisance exotic vegetation reduces the density or opacity of any landscape buffer, the applicant shall be required to plant additional native vegetation which will achieve 80% opacity to a height of six (6) feet, as certified by a Landscape Architect, within two years from the date of issuance of the first Certificate of Occupancy.
6. The design and shielding of any on-site lighting for the common areas shall comply with Section 709.2.2. In addition, pole and building mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-off fixtures. Use of decorative street lights or house 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.
7. The tot lot shall include commercial grade equipment and a minimum of 4 (four) canopy trees. This shall be depicted on the Final Site Plan.
8. The design of the single-family attached units shall be built in substantial conformance with the photographs entered into the record for this case.

**B. ENVIRONMENTAL CONDITIONS:**

1. The developer shall provide signs adjacent to post-development wetland buffers/conservation easements indicating that the area is a "Conservation Area", as required pursuant to 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.
2. Prior to Certificate of Occupancy/Final Plat approval, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
3. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first certificate of occupancy issuance or final plat approval, in accordance with Section 715.4 of the LDC.

4. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the EMD for review and approval pursuant to Section 508.3.4.7.j. of the LDC. Final Site Plans, Construction Plans, ERP and NPDES permit approvals must be obtained prior to submittal of the ESCP.
5. A Water Well Construction Permit shall be obtained from the EMD prior to construction of any proposed well(s).
6. The 8" well located on site shall be properly abandoned in accordance with SWFWMD Rule Chapter 40D-3.531.
7. Prior to development-related land clearing activities, all applicable County approvals shall be obtained through the Planning Department. If burning of trees and/or branches is required for land clearing, a burn permit shall be first obtained from the Environmental Management Department. No burn permits shall be issued until Final Site Plans/Construction Plans are approved. Any burning permits for this site shall include a protocol for advanced notice to surrounding residents.

C. PUBLIC SAFETY AND TRANSPORTATION CONDITIONS:

1. Prior to Final Site Plan Approval, the applicant shall obtain approval of a Hurricane Evacuation Plan and Disaster Plan from the Director of Public Safety.
2. The Notice to Buyers, disclosure statements, and Final Site Plan(s) shall include language to inform homeowners in the project of the Hurricane Evacuation Plan approved by the Public Safety Department for this project.
3. The applicant and its heirs, assigns, or transferees, are hereby notified that a payment of an impact fee or special assessment for emergency shelter facilities shall be required if such a fee is imposed by the Board of County Commissioners prior to Certificate of Occupancy.
4. The emergency access on 29<sup>th</sup> Street East shall be a full access point.
5. The developer shall construct 29<sup>th</sup> Street East along the Project's northern boundary, including a 5 foot wide sidewalk on the south side of the road to Manatee County Standards.
6. The roadway end in the southeast corner of the project shall be constructed and extended to the south property line of the project. The internal roadway system shall be public, but the developer shall be allowed to design traffic calming measures into the roadway system as approved by the Transportation Department.
7. Pursuant to Section 722.1.4.4 of the LDC, the developer shall provide a sidewalk on 60<sup>th</sup> Avenue East. The sidewalk shall be extended to connect with existing sidewalks which are 1,000 feet or less from the outer boundaries of the proposed development.

At a minimum, the sidewalk along 60<sup>th</sup> Avenue East shall extend from the project to 29<sup>th</sup> Street East. The extension of the sidewalk shall be depicted on the Final Site Plan and Construction Plans.

D. INFRASTRUCTURE CONDITIONS:

1. Prior to Final Site Plan approval, the Engineer of Record/Architect must provide documentation to prove that concurrency has been met relative to fire flow, per Comprehensive Plan Policy 9.6.1.4.
2. The lowest possible quality of water shall be used for irrigation. In-ground irrigation using Manatee County public potable water supply shall be prohibited, including on individual lots.
3. The applicant shall install dry lines for hook-up to future reuse lines for the entire subdivision, for both common area irrigation and single lot irrigation. At such time that reclaimed lines become available, use of stormwater or groundwater for irrigation shall be converted to use of reclaimed water.

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-1 (Suburban Agriculture, 1 dwelling unit 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 NORTHEAST ¼ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼, THE SOUTH ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST 1/4, THE NORTH ½ OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼; ALL IN SECTION 9.

LESS THE MAINTAINED RIGHT OF WAY FOR 60<sup>TH</sup> AVENUE EAST.

ALSO LESS THE RIGHT OF WAY IN O.R. BOOK 1461, PAGE 2988 DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, RUN S 00° 20' 31" W, A DISTANCE OF 654.25 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 9; THENCE RUN N 89° 54' 51" E ALONG THE SOUTH LINE OF SAID NORTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼, A DISTANCE OF 20.00 FEET TO THE EASTERLY MAINTAINED RIGHT OF WAY LINE OF 60<sup>TH</sup> AVENUE EAST ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUED N 89° 54' 51" E ALONG SAID SOUTH LINE, A DISTANCE OF 5.38 FEET TO THE EASTERLY PROPOSED RIGHT OF WAY OF 60<sup>TH</sup> AVENUE EAST ALSO BEING A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT LIES S 84° 46' 39" W , A DISTANCE OF 3427.56 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT ALSO BEING SAID PROPOSED EASTERLY RIGHT OF WA Y LINE A DISTANCE OF 303.71 FEET THROUGH A CENTRAL ANGLE OF 05° 04' 16" TO THE POINT OF TANGENCY OF SAID CURVE TO THE

RIGHT; THENCE S 00° 09' 05" E ALONG SAID PROPOSED EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 678.99 FEET TO THE INTERSECTION WITH THE NORTH LINE OF DEEDED RIGHT OF WAY AS DESCRIBED IN O.R. BOOK 1228, PAGE 2191; THENCE S 89° 20' 24" W ALONG THE NORTH LINE OF SAID DEEDED RIGHT OF WAY, A DISTANCE OF 30.26 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EASTERLY MAINTAINED RIGHT OF WAY LINE OF 60<sup>TH</sup> AVENUE EAST; THENCE N 00° 31' 01" E ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 982.31 FEET TO THE POINT OF BEGINNING.

ALSO LESS FROM THE NORTHEAST CORNER OF THE SOUTH ½ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ RUN N 00° 32' 40" E ALONG THE EAST LINE OF THE RIGHT OF WAY DEEDED BY O.R. BOOK 1228, PAGE 2191, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 329.88 FEET; THENCE N 89° 20' 04" E ALONG THE NORTH LINE OF SAID DEEDED RIGHT OF WAY, A DISTANCE OF 45.01 FEET TO THE EASTERLY PROPOSED RIGHT OF WAY LINE OF 60<sup>TH</sup> AVENUE EAST ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N 89° 20' 04" E, A DISTANCE OF 180.00 FEET; THENCE N 00° 39' 56" W, A DISTANCE OF 100.00 FEET; THENCE S 89° 20' 04" W, A DISTANCE OF 164.10 FEET; THENCE N 00° 09' 05" W, A DISTANCE OF 200.00 FEET; THENCE S 89° 20' 04" W, A DISTANCE OF 15.00 FEET RETURNING TO AFOREMENTIONED PROPOSED EASTERLY RIGHT OF WAY LINE; THENCE S 00° 09' 05" E ALONG SAID PROPOSED EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

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

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 19<sup>th</sup> day of August, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: 

Chairman

ATTEST: 

R. B. SHORE

Clerk of the Circuit Court



STATE OF FLORIDA, COUNTY OF MANATEE

I am 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 19<sup>th</sup> day of August, 2003.

R. B. SHORE

Clerk of Circuit Court

By: 

D.C.



STATE OF FLORIDA  
DEPARTMENT OF STATE

JEB BUSH  
*Governor*

GLEND A E. HOOD  
*Secretary of State*

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2003 SEP -3 AM 8: 39

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

August 29, 2003

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

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 26, 2003 and certified copy of Manatee County Ordinance No. PDR-02-28(Z)(P), which was filed in this office on August 27, 2003.

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

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp