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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

MANATEE COUNTY ZONING ORDINANCE  
PDR-02-37(Z)(P) - CENTEX HOMES/CHIN SUBDIVISION

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 FIVE ACRES) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 103 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES, AND GRANTING SPECIAL APPROVAL FOR A GROSS DENSITY EXCEEDING 1 DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY

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 (General Agriculture, 1 dwelling unit per five acres) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on May 20, 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 103 lots for single-family detached residences, and GRANTING Special Approval for a gross density exceeding 1 dwelling unit per acre in the UF-3 Future Land Use Category subject to the following stipulations and Specific Approval:

STIPULATIONS

1. The lot layout shall be redesigned to provide a minimum 1/2 acre focal point/recreational facility which shall include a commercial grade tot lot, benches, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan.

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2. The perimeter greenbelt and landscape buffer along the north property line, shall be increased to a minimum 20' in width and planted with two rows of canopy trees (2 ½" caliper canopy trees at least 10 feet in height and 4' spread - at least two different species) spaced 40' on-center. The two rows will be offset from each other to give the appearance of trees located 20' on-center.
3. The design and shielding of any on-site lighting 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. If street lights are installed, all street lights within the project shall be limited to 20' in height, and directed to the interior of the development using horizontal cut-off fixtures, including decorative street lights or carriage lights.
4. A non-ingress egress easement shall be recorded along the frontage of all lots along Chin Road prior to Final Subdivision Plat.
5. A Wetland Buffer Restoration Plan shall be submitted to EMD for review with the Final Site Plan in accordance with Section 719.11.2.1 of the LDC. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
6. The developer shall provide signs adjacent to 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.
7. 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 719.11.13 of the LDC.
8. 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, whichever occurs first, in accordance with Section 715.4 of the LDC.
9. 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 be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans or Construction Plans are approved.
10. All lots adjacent to active agricultural operations shall have an additional 35' setback, as shown on the site plan. 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.
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. 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.
13. If at the time of approval of the First Final Site Plan the County has plans for a reclaimed water line along Chin Road, and such line is subject to a funding commitment, dry lines for hook-up to future re-use lines shall be provided for the entire subdivision, for both common area irrigation and single lot irrigation.
14. Unless otherwise approved by Environmental Management 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.
15. Upon recording of the Final Plat for this project, this land shall be incorporated into the existing Declaration of Covenants, Conditions and Restrictions for Kingsfield Lakes and thereafter shall be subject to the provisions of such Declaration and governed by the Kingsfield Lakes Homeowners' Association, Inc. All rights and obligations of homeowners contained within such Declaration shall inure to, and be binding upon, the residents of this project. The supplemental declaration adding this project land to the purview of the Declaration shall contain language specific to this and shall be reviewed and approved by the Planning Department during review of the Final Plat.
16. A 20 foot wide roadway landscape buffer shall be provided along Chin Road planted with two rows of canopy trees (2" caliper, 12' in height, with a 4' spread) off-set 25' on-center and a hedge. If a berm is used, the berm shall not be solid but shall contain breaks where there are lakes or open space adjacent to the roadway. Existing vegetation may be substituted for the required plantings. However, either choice must provide 85% opacity to a height of ten (10) feet within three years from the date of the first Final Plat Approval. The hedge and opacity requirement shall not continue in areas of breaks in the lots for recreation areas, roadways, or lakes. This buffer shall continue along Chin Road and Old Tampa Road along Kingsfield Lakes subdivision.
17. Prior to Final Site Plan, the site shall be redesigned to provide total lots not to exceed 103 units.
18. This project shall provide a minimum 25% open space.
19. No lots shall be platted through the required 20' wide perimeter buffer along the north property line.
20. The applicant shall construct a sidewalk on the east side of Chin Road, from the project northern boundary to U.S. 301, if right-of-way is available.
21. The perimeter lots along Chin Road shall be restricted to single family detached homes with only one story, and a maximum of 22' in height as building height is defined in the Land Development Code. Any pool cages or other screened cage, 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 project.

### SPECIFIC APPROVAL

1. Specific Approval for an alternative to Section 603.7.4.5 of the Land Development Code to omit the required greenbelt along the east and south property lines, where the project is adjacent to Kingsfield Lakes Subdivision

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 five acres) 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

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 6, RUN THENCE ALONG THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 6, S. 89° 24' 13" E., 1367.26 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6; THENCE ALONG THE NORTH BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, CONTINUE S.89° 24' 13" E., 34.94 FEET TO A POINT ON THE EAST MAINTAINED RIGHT-OF-WAY LINE OF CHIN ROAD, PER ROAD PLAT BOOK 1, PAGE 105, OF MANATEE COUNTY, FLORIDA, AND PER BOUNDARY LINE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1731, PAGE 1942, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID NORTH BOUNDARY OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, S. 89° 24' 13" E., 1409.62 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6; THENCE ALONG THE EAST BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, PER SAID BOUNDARY LINE AGREEMENT, S. 01° 01' 29" W., 1368.78 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6; THENCE ALONG THE SOUTH BOUNDARY OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, PER SAID BOUNDARY LINE AGREEMENT, N. 89° 31' 52" W., 1374.79 FEET TO A POINT ON AFORESAID EAST MAINTAINED RIGHT-OF-WAY LINE OF CHIN ROAD; THENCE ALONG SAID EAST MAINTAINED RIGHT-OF-WAY LINE OF CHIN ROAD, PER SAID BOUNDARY LINE AGREEMENT, THE FOLLOWING TWELVE (12) COURSES: 1) N. 00° 54' 06" E., 41.13 FEET; 2) N. 00° 25' 38" W., 200.00 FEET; 3) N. 00° 49' 42" W., 100.00 FEET; 4) N. 00° 08' 26" W., 100.00 FEET; 5) N. 00° 35' 57" W., 100.00 FEET; 6) N. 00° 15' 19" W., 100.00 FEET; 7) N. 00° 22' 11" W., 100.00 FEET; 8) N. 00° 05' 19" E., 100.00 FEET; 9) N. 00° 39' 23" W., 100.00 FEET; 10) N. 00° 46' 15" W., 100.00 FEET; 11) N. 00° 25' 38" W., 100.00 FEET; 12) N. 00° 32' 30" W., 30.92 FEET TO THE POINT OF BEGINNING

CONTAINING 43.770 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 20<sup>th</sup> day of May, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

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

[Signature]  
Bt-Susan G. Romine  
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 27<sup>TH</sup> day of

MAY, 2003

R.B. SHORE  
Clerk of Circuit Court

By: [Signature] 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  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
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June 3, 2003

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

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 May 27, 2003 and certified copy of Manatee County Ordinance No. PDR02-37(Z)(P), which was filed in this office on May 29, 2003.

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

Sincerely,

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

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

Enclosure