

CLERK OF COURT RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-03-29(Z)(P) - B & B SUNCOAST LAND DEVELOPMENT, INC/CRYSTAL LAKES
2004 APR -8 PM 3:12

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 199 LOTS FOR SINGLE FAMILY DETACHED DWELLING UNITS AT A GROSS DENSITY OF 2.39 DWELLING UNITS PER ACRE, AND GRANTING SPECIAL APPROVAL FOR A PROJECT: 1) ADJACENT TO A PERENNIAL STREAM; 2) EXCEEDING A GROSS DENSITY OF ONE DWELLING UNIT PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY; AND 3) PARTIALLY LOCATED WITHIN AN 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 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-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDR (Planned Development Residential).

B. The Board of County Commissioners held a public hearing on March 23, 2004 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 199 lots for single-family detached dwelling units at a gross density of 2.39 dwelling units per acre and GRANTING Special Approval for a project: 1) adjacent to a Perennial Stream; 2) exceeding a gross density of one dwelling unit per acre in the UF-3 Future Land Use Category; and 3) partially located within an Entranceway with the following Stipulations:

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STIPULATIONS

1. The playground area shall provide a commercial grade tot lot, a multi-purpose court, benches, shade trees, and picnic tables. The details of the type of equipment and layout shall be shown on the Final Site Plan.
2. Bicycle racks shall be provided in front of each recreational area which will accommodate a minimum of 3 bicycles.
3. All recreational areas and pocket parks adjacent to water features shall include commercial grade park benches.
4. A 25 foot wide landscape buffer, containing two offset rows of canopy trees and understory trees (10 ft. tall, 4 ft. spread and placed 25 ft. on center) and 33 shrubs per 100 feet shall be located along Buffalo Road. A 6' tall concrete wall shall be located inside the landscaping along the western perimeter.
5. The perimeter buffer along the southern perimeter of site shall be between 30' and 80' in width, as shown on the site plan. This buffer shall contain two offset rows of canopy trees (10 ft. tall, 4 ft. spread, and placed 25 ft. on center) and 33 shrubs per 100 feet shall be installed along the entire length of the southern perimeter. The shrubs shall reach 85% opacity to a height of 10' within 2 years. This buffer shall include a 6' high tan PVC fence. This fence shall extend from Lot 99 to the existing Buffalo Road as shown on the Preliminary Site Plan.
6. No stormwater pond shall be permitted within any landscape buffer.
7. A minimum variety of 3 different species of canopy or understory trees shall be planted in the required landscape buffers.
8. Unless otherwise approved by the EMD, existing indigenous vegetation shall remain within the required landscape buffers and be utilized to meet the buffering and screening requirements. Sufficient area around the trees and appropriately designed tree wells shall be required as determined by a registered Landscape Architect to reasonably guarantee their survival. Cross-sections of landscape buffers shall be provided prior to Final Site Plan approval per Section 508.3.4.
9. The developer shall provide signs adjacent to wetland buffers and 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.
10. Prior to development related 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 Plan and Construction Plans are approved.

11. Unless otherwise approved by Environmental Management Department, native or drought tolerant landscaping 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.
12. The Developer shall use the lowest quality of water available for irrigation purposes. Use of Manatee County public potable water supply shall be prohibited for in ground irrigation systems, including those on individual lots.
13. 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.
14. All lots adjacent to active agriculture 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 Subdivision Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the Final Subdivision Plat.
15. A non-ingress egress easement shall be recorded and shown on the Final Subdivision Plat along the frontage of all lots along Buffalo Road and future realignment of Buffalo Road.
16. The main internal roadway shall be designed using passive traffic calming techniques (e.g., speed tables). Locations shall be determined prior to Final Site Plan approval and approved by the Transportation Department.
17. No residential development shall be allowed between the L1070dB(A) noise contour and Buffalo Road, unless such residents are protected by performance equivalent measures to achieve the L1070dB(A) exterior noise level. Buildings shall be positioned to maximize the distance between the residential units and the noise source. The use of existing vegetation, earthen berms, decorative walls, and significant landscaping buffering should be provided between the residential units and the noise contours. A noise study will be completed by the applicant prior to Final Site Plan approval for review by staff.

Additionally, residential units constructed with noise level conditions in excess of L1065 db(A) contour must meet the sound level identified by the EPA as sufficient to protect public health and welfare. The applicant shall demonstrate compliance with these standards at the time of Final Site Plan approval.

18. The stormwater management system shall be designed to provide a reduction of 50% or greater of the allowable pre-development flow from the 25 Year 24-hour storm event discharge.
19. All fill within the 100 Year Flood Plain shall be balanced to achieve pre-development storage within the floodplain.
20. The minimum lot widths along the southern perimeter shall be 110' and 70' along the eastern perimeter. All homes along the southern perimeter shall be limited to one story in height.

21. The minimum lot widths shall be as shown on the revised site plan entered into the record for this case. Lots 51 - 89 and 200 - 215 shall have a minimum lot width of 55'.
22. The sales contract, Notice to Buyers, and Final Site Plan shall inform homeowners that 60th Avenue East/Bufalo Road is planned to be extended or widened along the west property line of the Crystal Lakes Subdivision. Additionally, the developer shall install and the Homeowner's Association shall maintain a 4' x 4' sign located where the future 60th Avenue East/Bufalo Road is proposed, that states "Notice: Future potential location of the extension of 60th Avenue East/Bufalo Road".
23. The developer shall provide an easement to Manatee County to accept stormwater for the Bufalo Road realignment and right-of-way to accommodate roadway expansion along with a right of access to modify the stormwater system to create additional treatment and attenuation capacity at the expense of the County.
24. The Final Site Plan and construction plans shall incorporate the floodplain and drainage improvements for Frog Creek/Bufalo Canal, and the stormwater facility for the new Bufalo Road, as shown on the Preliminary Site Plan and described in the staff report for this project. The project will adhere to the commitments in the Crystal Lakes Drainage Information handout as entered into the record.
25. A revised Preliminary Site Plan shall be submitted and administratively approved which reflects the plan entered into the record at this hearing.
26. There will be a maximum of 199 lots.

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.

THAT PART OF THE NW ¼ LYING SOUTH OF THE CENTERLINE OF THE "BUFFALO" CANAL; AND THE NORTH ½ OF THE SW ¼; AND, THE WEST ¼ OF THE NW ¼ OF THE SE1/4, LESS THE WEST 440 FEET OF ALL OF THE ABOVE DESCRIBED PROPERTY, ALL LYING AND BEING IN SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. LESS AND EXCEPT RIGHTS OF WAY TAKEN BY THE STATE OF FLORDIA FOR STATE ROAD 93 (INTERSTATE 75) AS MORE FULLY DESCRIBED IN FINAL JUDGMENTS APPEARING IN O.R. BOOK 1039, PAGE 1260, AND IN O.R. BOOK 1039, PAGE 1263, ALL PUBLIC RECORDS OF MANATEE COUTNY, FLORIDA. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS FROM ERIE ROAD OVER THE SOUTH 20 FEET OF THE WEST 440 FEET OF THE NORTH ½ OF THE SW ¼ OF SECTION 28, TOWNSHIP 33 SOUTH, RANGE 18 EAST.

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 23rd day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *James W. Hall*
Chairman

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

By: *Ausana P. 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 31st day of March, 2004
R.B. SHORE
Clerk of Circuit Court
By: *Kent Lindsey*



FILED FOR RECORD
R. B. SHORE

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

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

April 5, 2004

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated March 30, 2004 and certified copies of Manatee County Ordinance Nos. PDR-03-25(Z)(P), PDR-03-29(Z)(P) and PDMU-04-03(Z)(G), which were filed in this office on April 5, 2004.

As requested, the date stamped copies are being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/mp

Enclosures