

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE
PDR-05-35(Z)(P) – SCHROEDER-MANATEE RANCH/LECOM MULTI-FAMILY

2006 OCT 19 PM 3:23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT 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 APPROXIMATELY 34.9107 ACRES LOCATED ON THE NORTH SIDE OF MALACHITE DRIVE, WEST OF THE YMCA, AND ± 1,100 FEET WEST OF LAKEWOOD RANCH BOULEVARD, BRADENTON FROM THE AWP-E (AGRICULTURE/WATERSHED PROTECTION-EVERS) ZONING DISTRICT TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN TO ALLOW 288 MULTI-FAMILY RESIDENTIAL UNITS SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; GRANTING SPECIAL APPROVAL FOR A PROJECT IN THE RES-9 FUTURE LAND USE CATEGORY; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

2006 OCT 15 AM 10:10

WHEREAS, Schroeder-Manatee Ranch, Inc. (the "Applicant") has filed a rezone application to rezone approximately 34.9107 acres described in Exhibit "A", attached hereto, (the "Property") from the AWP-E (Agriculture/Watershed Protection-Evers) zoning district to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the Applicant has also filed a Preliminary Site Plan application for 288 multi-family residential units (the "Project") to be located upon the Property; and

WHEREAS, the Applicant has also filed a request for Special Approval for a project in the RES-9 Future Land Use Category; and

WHEREAS, the Planning Staff has recommended approval of the rezone, Preliminary Site Plan, and Special Approval applications, subject to the stipulations contained in the Planning Staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on May 11, 2006 to consider the rezone, Preliminary Site Plan and special approval applications, received the Planning Staff's recommendations and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County's Local Planning Agency, found the rezone, preliminary site plan, and Special Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications, subject to the stipulations contained in the Planning Staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

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 Exhibit "A" of this Ordinance from the A/WP-E (Agriculture/Watershed Protection-Evers) zoning district to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on June 1, 2006, June 6, 2006, June 20, 2006, September 7, 2006, September 26, 2006, and October 2, 2006 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 Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. PRELIMINARY SITE PLAN The Preliminary Site Plan is hereby APPROVED for 288 lots for multi-family residential units and Special Approval upon the Property subject to the following Stipulations:

STIPULATIONS

1. A 20' buffer with enhanced landscaping shall be provided along the entire length of the south property line. This buffer shall be planted with one row of canopy trees (3" caliper, 10' in height and 4' spread) and one row of understory trees (1 1/2" caliper, 6 ft. in height) with trees in each row 40 feet on center. At least two different species of trees shall be used, however, all species must be evergreen. Existing canopy trees meeting those criteria may remain and may count to satisfy this condition.
2. A Wetland Buffer Restoration Plan shall be submitted to the Planning Department 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.
3. The developer shall install wetland information signs at both access points to the pedestrian boardwalk shown as "Option A" on the Preliminary Site Plan. Wetland information signs

are in addition to the "Conservation Area" signs required by Section 719.11.1.3.3. of the Land Development Code. The signs shall explain the purpose, importance, and need for preserving wetlands and wetland buffers. The location and details of such signs shall be reviewed and approved by the Planning Department with the Final Site Plan.

4. Prior to the issuance of the Certificate of Occupancy for the first unit, a Conservation Easement for the areas defined as post-development jurisdictional wetlands and wetland buffers shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
5. Trees to be preserved shall be protected by barricades located at the drip line, unless approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.
6. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan and Construction Plan approval. The management plan shall provide for the continued, phased removal of nuisance, exotic plant species that become reestablished within common areas for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to issuance of the Certificate of Occupancy for the first unit in accordance with Section 715.4 of the LDC.
7. Construction is not authorized with this approval. Prior to commencement of construction or land clearing, an Erosion and Sediment Control Plan (ESCP) shall be submitted to the Planning Department 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. Construction or land clearing is not authorized until an ESCP has been approved by the Planning Department and all required meetings have been completed.
8. 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 and Construction Plans are approved.
9. Stormwater shall not be permitted to discharge the site via the drive isles for all parking lot areas.
10. Parking bumpers shall be required where parking stalls meet concrete sidewalks that are not at least 8' wide.
11. The project exceeds 250 units, and the following are required to be addressed on the Final Site Plan.
 - a). A minimum of 4 stacking spaces is to be shown for each lane entering at a restricted entry gate or guard house entry. This stacking shall be shown in full detail on the Final Site Plan.

- b). The entrance gate to the project shall be accessible to EMS and the Fire District 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 Marshal approving the proposed system.
- 12. Final Site Plan and Construction Plans shall demonstrate that fire hydrants are located within 400' of the entrance to any building and spaced no more than 800' apart.
- 13. The Developer shall use the lowest quality of water available for irrigation purposes. Consideration shall be given to meeting the irrigation needs of the Project with the following sources, in order of preference: (1) reuse water, (2) treated stormwater; or (3) non-potable quality groundwater. Prior to each Final Site Plan approval, the Developer shall identify the irrigation source which will be utilized. Use of Manatee County public potable water supply shall be prohibited for in-ground irrigation systems.
- 14. Right-of-way for Malachite Drive to the west boundary line of the property shall be dedicated to Manatee County. This shall be shown on the Final Site Plan, and dedication shall be completed prior to the issuance of the Certificate of Occupancy for the 1st unit.
- 15. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.
- 16. Prior to issuance of a Building Permit for the 100th unit, a second means of access shall be constructed.
- 17. Five foot wide sidewalks shall be provided along the entire length of the south property line if not already provided.
- 18. A complete internal pedestrian plan shall be a part of the Final Site Plan submittal. This shall include sidewalks within the project and their connections to off-site pedestrian systems.
- 19. The boardwalk identified as Option A on the Preliminary Site Plan shall be relocated on the Final Site Plan to the existing impact area that can be seen on aerial photography. The existing impact area is located approximately 50' north of the proposed boardwalk location.
- 20. The pedestrian boardwalk shown as "Option A" on the Preliminary Site Plan shall be constructed in accordance with Sections 719.4.2. and 719.11.1.2. of the LDC. Details demonstrating compliance shall be provided in the Final Site Plan.
- 21. Trash receptacles shall be provided along the pedestrian boardwalk shown as "Option A" on the Preliminary Site Plan. The number and location of the trash receptacles shall be reviewed and approved with the Final Site Plan.
- 22. Site plan revisions shall be considered that will preserve additional existing desirable trees. Such revisions may include, but shall not be limited to, shifting of buildings,

reduction in parking spaces, moving and enlarging the landscape islands within the parking areas, relocating mail kiosk and dumpster locations, and stormwater facility reconfiguration. Specific revisions shall be reviewed and approved with the Final Site Plan.

23. Developer shall give the registered students, staff, and faculty of LeCom the first opportunity to buy or lease units as they are first made available for sale or lease. Such option is not binding on any lender who forecloses on the property or receives a deed in lieu of foreclosure nor applicable to any bulk sale of the units greater than 30 units. However, any such bulk purchaser of the units shall provide the registered students, staff, and faculty of LeCom the same right of first opportunity provided herein. Prior to approval of the Final Site Plan this requirement shall be memorialized in a Land Use Restriction Agreement subject to approval by the Board of County Commissioners.
24. Building Permits shall not be issued for units beyond 145 until SR 64 between Lena Road and Lakewood Ranch Boulevard is complete. The Certificate of Level of Service for this project shall contain these limitations.

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 described in Exhibit "A" incorporated herein by reference, from the AWP-E (Agriculture/Watershed Protection-Evers) zoning district to the PDR (Planned Development Residential) zoning district 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. SEVERABILITY. If any section, sentence, clause or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provisions shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

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 2nd day of October, 2006.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

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



BY: Joe McClash
Chairman

BY: Susan Domine
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

A tract of land lying in Section 7, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the southwest corner of the North ½ of Section 17, Township 35 South, Range 19 East, also being the Southeast corner of the North ½ of Section 18, Township 35 South, Range 19 East; thence S.89°34'40"E., along the South line of the North ½ of said Section 17, a distance of 187.55 feet to the intersection with the Westerly Right-of-way of Lakewood Ranch Boulevard (formerly Upper Manatee River Road Extension), a 120-foot wide public right-of-way as recorded in Official Record Book 1429, Page 3703 of the Public Records of Manatee County, Florida, said point being on the arc of a curve to the right, whose radius point lies N.63°58'46"E., a radial distance of 2310.00 feet; thence run northwesterly, along said westerly right-of-way for the following four (4) calls; (1) thence along the arc of said curve, through a central angle of 23°42'37", a distance of 955.93 feet to the point of tangency of said curve; (2) thence N.02°18'37"W., a distance of 1736.20 feet to the intersection with the common section line to Sections 7 and 18, Township 35 South, Range 19 East, said point lying N.88°45'31"W., 141.64 feet from the section corner common to said Sections 7 and 18; (3) thence continue N.02°18'37"W., a distance of 339.27 feet to the point of curvature of a curve to the right, having a radius of 4060.00 feet and a central angle of 04°58'40"; (4) thence run Northerly along the arc of said curve, a distance of 352.73 feet to the south line of Malachite Drive, recorded in Official Record Book 1862, Page 3953, Public Records of Manatee County, Florida; thence N.89°56'17"W., along said southerly line, a distance of 1074.63 feet; thence N.00°02'43"E., a distance of 60.00 feet to the POINT OF BEGINNING, said point being a point on the northerly line of said Malachite Drive; thence N.89°57'17"W. along said north line of Malachite Drive, a distance of 770.80 feet; thence N.00°02'43"E., a distance of 200.00 feet; thence N.89°57'17"W., a distance of 273.00 feet; thence S.00°02'43"W., a distance of 200.00 feet to a point on the above mentioned north line of Malachite Drive; thence N.89°57'17"W. along said north line of Malachite Drive and the westerly extension thereof, a distance of 458.14 feet; thence N00°00'00"E., a distance of 460.72 feet; thence N.32°22'12"E., a distance of 938.52 feet; thence S.77°00'00"E., a distance of 266.12 feet to the point of curvature of a curve to the right having a radius of 5,159.35 feet and a central angle of 06°32'39"; thence easterly along the arc of said curve, an arc length of 589.29 feet end of said curve being a point on the west line of the premises described in Official Record Book 1859, Page 5334 of said Public Records; thence S.40°13'33"E. along said west line, a distance of 583.80 feet to the west line of the YMCA property, described in Official Record book 1729, Page 6742 of said Public Records; the following 5 calls are along said west line of the YMCA property; thence S.74°46'02"W., a distance of 42.01 feet; thence S.52°19'36"W., a distance of 78.68 feet; thence S.80°14'14"W., a distance of 85.82 feet; thence N.69°34'00"W., a distance of 15.41 feet; thence S.00°02'43"W., a distance of 515.66 feet to the POINT OF BEGINNING.

Said tract contains 1,520,711 square feet or 34.9107 acres, more or less.



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 10 day of

October 2006

R.B. SHORE
Clerk of Circuit Court

By: Maggie Hamilton D.C.



**STATE OF FLORIDA
DEPARTMENT OF STATE**
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH
Governor

SUE M. COBB
Secretary of State

October 17, 2006

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

Attention: Maggie Hamilton, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 10, 2006 and certified copies of Manatee County Ordinance Nos. PDR-05-35(Z)(P) and PDR-05-53(P), which were filed in this office on October 16, 2006.

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

Sincerely,

Liz Cloud
Program Administrator

LC/bpn
Enclosures

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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