

MANATEE COUNTY ZONING ORDINANCE
PDR/PDC-00-02-(Z)(G) - MABEL NG

2004 AUG -6 PM 2:13

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 5 ACRES) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND PDC (PLANNED DEVELOPMENT COMMERCIAL); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 105,000 SQUARE FEET OF COMMERCIAL DEVELOPMENT, 268 SINGLE-FAMILY LOTS ON THE EAST SIDE OF CHIN ROAD, AND 79 SINGLE-FAMILY LOTS OR A 150 RESIDENT RESIDENTIAL CARE FACILITY ON THE WEST SIDE OF CHIN ROAD, AND GRANTING SPECIAL APPROVAL FOR 1) A PROJECT EXCEEDING A GROSS DENSITY OF 1 DWELLING UNIT PER ACRE OR NET DENSITY OF 3 DWELLING UNITS PER ACRE IN THE UF-3 FUTURE LAND USE CATEGORY; 2) A PROJECT EXCEEDING A GROSS DENSITY OF 2 DWELLING UNITS PER ACRE OR NET DENSITY OF 3 DWELLING UNITS PER IN THE RES-E FUTURE LAND USE CATEGORY; AND 3) A PROJECT EXCEEDING 30,000 SQUARE FEET OF NON-RESIDENTIAL GROSS FLOOR AREA.

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 5 acres) to PDR (Planned Development Residential) and PDC (Planned Development Commercial).

B. The Board of County Commissioners held a public hearing on July 25, 2000 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 General Development Plan is hereby APPROVED to allow 105,000 square feet of commercial development, 268 single-family lots on the east side of Chin Road, and 79 single-family lots or a 150 resident residential care facility on the west side of Chin Road, and

granting Special Approval for 1) a project exceeding a gross density of 1 d.u. per acre or net density of 3 d.u. per acre in the UF-3 Future Land Use Category; 2) a project exceeding a gross density of 2 d.u. per acre or net density of 3 d.u. per acre in the RES-3 Future Land Use Category; and 3) a project exceeding 30,000 square feet of non-residential gross floor area with the following stipulations:

STIPULATIONS:

1. The density for residential development on the property west of Chin Road shall not exceed 3.0 dwelling units per acre. Such residential development shall be limited to a maximum of 79 units, either single-family detached, single-family attached, or single-family semi-detached, provided that alternatively, a residential care facility or nursing home with a maximum of 150 residents may be developed on said property west of Chin Road. If developed with single-family units, the single-family units west of Chin Road shall meet the following dimensional criteria:

Single-Family Detached

Height	35 feet
Lot Size	6,000 square foot minimum
Lot Width	60 feet
Set Backs	
Front	20 feet
Side	7.5 feet
Rear	15 feet

Single-Family Attached

Height	35 feet
Lot Size	3,400 square feet
Lot Width	34 feet
Set Backs	
Front	25 Feet
Side	10 feet
Rear	20 feet

There shall be a maximum of 6 single-family attached units in a grouping (row of townhouses on individual lots).

Single-family semi-detached shall be consistent with the RDD-3 zoning district, generally as described below:

Height	35 feet
Lot Size	4,000 square feet
Lot Width	40 feet
Set Backs	
Front	25 feet
Side	10 feet
Rear	20 feet

2. The lowest quality of water available, including but not limited to storm water reuse and alternative irrigation sources, shall be used to adequately and safely meet irrigation needs. This shall be approved by the Planning Department with the Final Site Plan.

3. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes may be required when and if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
4. All sidewalks shall be five feet (5') in width and per Section 722.1.4 of the Land Development Code.
5. A minimum of 5 foot wide sidewalks shall be provided to facilitate internal pedestrian circulation within the single-family phases. The location of the sidewalks shall be approved by the Planning Department with the Final Site Plan.
6. Wetland buffers shall be provided for all post-development jurisdictional wetlands in accordance with Section 719.11.1 of the Land Development Code.
7. A fifteen foot (15') setback from the upland edge of wetland buffers and adjacent structures shall be provided in accordance with Section 702.6.10 of the Land Development Code.
8. Prior to Preliminary Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.
9. Side yard setbacks shall be a minimum of 7.5 feet for all single-family lots and shall be shown on the Preliminary Site Plan.
10. For residential portion of this project, a Notice to Buyers shall inform residents of the presence of the adjacent agricultural uses, including possible use of pesticides and herbicides, and of odors and noises associated with such uses.
11. 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 buffer may be eliminated from the final subdivision plat.
12. If the developer elects to have public street at the time of final subdivision plat, interneighborhood ties shall be constructed and provided to adjacent properties to the north and east for the properties east of Chin Road and to the south and west for the development west of Chin Road.
13. A landscaped berm shall be required along the frontage on Old Tampa Road, consistent with the berm installed by Kingsfield Subdivision to the east, in those locations determined by staff to be necessary for adequate buffering. The details shall be shown on the Final Site Plan(s).
14. Wetland buffers shall be provided from all post-development jurisdictional wetlands. No variable width wetland buffers are approved for this project unless required by the roadway crossings in accordance with Section 719.11.1 of the Land Development Code.

15. The commercial development shall not exceed 105,000 square feet of gross floor area.
16. The 30 foot wetland buffer adjacent to wetland conservation area "G" shall not be encroached by any parking or drive aisle.
17. Rooftop HVAC equipment shall not be visible from U.S. 301 or any surrounding property.
18. A coordinated sign plan for the perimeter of the project shall be provided by the Planning Department with the Final Site Plan. All signs must provide concealment of main support structure (e.g. pole) between 20% and 100% of the sign width with materials consistent with those in the development.
19. A 5 foot sidewalk shall be provided from U.S. 301 to Old Tampa Road along Chin Road and from the western property boundary to Chin Road along U.S. 301; the crossover from the east side of Chin Road to the west side of Chin Road at the property transition as allowable.
20. The developer shall be responsible for the signalization of the intersection of Chin Road and U.S. 301 when it meets warrants.
21. The stormwater system shall be designed to reduce the post-development discharge rate to 50% of the pre-development discharge rate with a 25-year, 24-hour storm, if determined by the stormwater manager that the property drains to Slaughter Canal or the unnamed tributary that flows through River Wood and River Wilderness.
22. The following design standards shall apply:
 - a. The sides of the buildings of the main shopping center visible from U.S. 301 or Chin Road, and adjacent properties shall have minimal blank wall space. In order to ensure that the buildings do not project a massive blank wall, design elements including prominently visible architectural details (e.g. bumpouts, reveals and projecting ribs, cornices, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be integrated into the overall design of the buildings. Blank walls shall be no longer than 40 feet in length or 20 feet in height for the main shopping center. Building elevations shall be submitted with future plan submittals.
 - b. All architectural facades of the outparcels shall be considered primary facades and shall employ architectural, site, and landscaping design elements which are integrated with and common to those used on the primary structure in the development.
 - c. Drive-through windows for the outparcels shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
 - d. Bicycle parking facilities with the inverted "U" style rack shall be provided for each individual site. These facilities shall be available at all structures in the development and be conveniently located to the entrances of the primary structures and in clear view of the main entries.

- e. In order to ensure that the outparcels do not project a massive blank wall, design elements including prominently visible architectural details (e.g. bumpouts, reveals and projecting ribs, cornices, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be integrated into the overall design of the buildings. Blank walls shall be no longer than 20 feet in length in any direction for the outparcels. Elevations shall be provided with future plan submittals.
23. All deliveries and truck loading and unloading on the south side of the main building shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., and there shall be no commercial vehicle parking between the rear of the shopping center and the south of the property between 10:00 p.m. and 7:00 a.m.

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 5 acres) to PDR (Planned Development Residential) and PDC (Planned Development Commercial), 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.

LEGAL DESCRIPTION FOR ± 12.0 ACRES REZONED TO PDC (PLANNED DEVELOPMENT COMMERCIAL)

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 33 SOUTH, RANGE 19 EAST, AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 6, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00°02' 28" E ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 420.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 1302-(104)-202; THENCE N 60° 07' 00" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 298.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N 60° 07' 00" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 893.79 FEET TO THE MOST WESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORD BOOK 225, PAGE 702, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 29° 55' 48" E, ALONG THE WEST LINE OF SAID PARCEL AS MONUMENTED, A DISTANCE OF 175.53 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N 89° 28' 23" E, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 175.44 FEET TO THE SOUTHEAST CORNER THEREOF, ALSO BEING A POINT ON THE MONUMENTED WEST RIGHT-OF-WAY LINE OF CHIN ROAD; THENCE S 00°27' 08" E, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 435.00 FEET; THENCE S 89° 32' 52" W, 38.67 FEET; THENCE S 60° 07' 00" W, 487.42 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00", A DISTANCE OF 157.08 FEET (CHORD = 141.42 FEET; CHORD BEARING = N 74° 53' 00" W) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 29° 53' 00" W, 50.00 FEET; THENCE

S 60° 07' 00" W, 20.00 FEET; THENCE N 29° 53' 00" W, 80.00 FEET; THENCE N 89° 53' 00" W, 132.79 FEET; THENCE S 60° 07' 00" W, 77.00 FEET; THENCE N 29° 53' 00" W, 325.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 12.00 ACRES, MORE OR LESS

LEGAL DESCRIPTION FOR 26.60 ACRES REZONED TO PDR (PLANNED DEVELOPMENT RESIDENTIAL)

THAT PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, LYING SOUTH OF THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 6; THENCE S 00° 02' 28" E, ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 420.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION NO. 1302-(104)-202, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE S 00° 02' 28" E, ALONG SAID WEST LINE, A DISTANCE OF 954.38 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE S 89° 31' 15" E, ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHWEST 1/4, A DISTANCE OF 1306.82 FEET TO A POINT ON THE MONUMENTED WEST RIGHT-OF-WAY LINE OF CHIN ROAD; THENCE N 00° 27' 08" W, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 973.64 FEET; THENCE S 89° 32' 52" W, 38.67 FEET; THENCE S 60° 07' 00" W, 487.42 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 100.00 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90° 00' 00", A DISTANCE OF 157.08 FEET (CHORD = 141.42 FEET; CHORD BEARING = N 74° 53' 00" W) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N 29° 53' 00" W, 50.00 FEET; THENCE S 60° 07' 00" W, 20.00 FEET; THENCE N 29° 53' 00" W, 80.00 FEET; THENCE N 89° 53' 00" W, 132.79 FEET; THENCE S 60° 07' 00" W, 77.00 FEET; THENCE N 29° 53' 00" W, 325.00 FEET TO A POINT ON THE AFOREMENTIONED SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 301; THENCE S 60° 07' 00" W, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 298.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 26.60 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 25th day of July, 2000, and as amended on the 27th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: [Signature]

Chairman

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

[Signature]
By: [Signature]



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 29th day of July, 2004.
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.

THIS IS A CORRECTIVE DOCUMENT



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

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AUG 06 2004

BOARD RECORDS

August 3, 2004

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

Attention: Patricia Wanless Branch

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 30, 2004 and corrected certified copy of Manatee County Ordinance No. PDR/PDC-00-02-(Z)(G), which was received in this office on August 3, 2004.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/kcs

Enclosure