

RECORDED
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MANATEE COUNTY ORDINANCE NO. Z-85-95
PURSLEY PROPERTIES, INC.

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND 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 DISTRICT) TO PDR (PLANNED RESIDENTIAL DEVELOPMENT DISTRICT), RETAINING THE WP (WATERSHED PROTECTION) AND ST (SPECIAL TREATMENT) OVERLAY CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE.

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 District) to PDR (Planned Residential Development District), retaining the WP (Watershed Protection) and ST (Special Treatment) Overlay Classifications.

B. The said Board of County Commissioners held a Public Hearing on November 7, 1985, regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND 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. 80-4, THE MANATEE PLAN.

Section 2. The Conceptual Development Plan titled River Club, is hereby APPROVED, subject to the following conditions:

I. OFF-SITE FACILITIES DEVELOPMENT FEES STIPULATIONS:

1. Definitions

- a. "Administrative Costs" shall mean the additional and non-refundable fee charged to the Agent by the County for the processing of off-site facility development fees collected pursuant to these stipulations.
- b. "Agent" shall mean the designee of the Developer for the purpose of payment and/or reimbursement of the off-site facility development fees created by these stipulations.
- c. "Board" shall mean the Board of County Commissioners of Manatee County, Florida.
- d. "Building Permit" shall mean any building or construction permit required under the Manatee County Building Code.

- e. "Certificate of Occupancy" shall mean a document issued by the County allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable County codes and ordinances.
 - f. "Commercial Unit" shall mean those businesses, institutional, office, and/or professional activities which provide products and services to individuals, businesses, or groups.
 - g. "County" shall mean the County of Manatee, a political subdivision of the State of Florida.
 - h. "Developer" shall mean and shall be deemed to include any individual, corporation, governmental agency, business trust, partnership, association, two or more persons having a joint or common interest or any other legal entity which undertakes the development of land in Manatee County, Florida.
 - i. "Development" shall mean and shall be deemed to include the use of land for the construction of new residential units, new commercial units, or new industrial units; the reconstruction of commercial units or industrial units; and additions to existing commercial units or industrial units.
 - j. "Industrial Unit" shall mean those uses whose activities which predominantly engage in the assembly, finishing, processing, packaging, manufacturing and/or storage of products.
 - k. "Latest Available Data" shall mean the amount of the off-site facility development fees established by approved vote of the Board and shall be deemed to include figures generated to anticipate impact upon transportation, emergency medical services, parks and recreation, and solid waste facilities, by a means acceptable to and generally utilized by Manatee County, Florida.
 - l. "Off Site Facility Development Fees" shall mean and shall be deemed to include a special assessment for the benefit of the properties whose need is generated by new growth and development of such assessed properties.
 - m. "Residential Unit" shall mean a dwelling unit and shall exclude accessory uses designed solely for the benefit of subdivision residents.
2. The Developer, his successors, assigns and/or transferees, shall be bound by these stipulations, by an Impact Fee Ordinance when adopted and by all Manatee County ordinances, rules and regulations consistent with the approval hereby granted.
3. Developer, prior to the transfer, sale, or other conveyance of interest in the development, shall obtain the written consent of each transferee, buyer, or other recipient of any other conveyance of interest in the development to be bound by the terms of these stipulations, a subsequent impact fee ordinance and any other applicable local or state law. Developer shall provide the document of written consent to the County and shall record copies of the same with the final plat documents. Further, Developer may be required to provide

notice or written consent to be bound by these stipulations on the face of the plat linen. This provision shall not be applicable to any transfer of land in fee from the developer to the Manatee County School Board as provided in paragraph 12 of the Off-site Facilities Development Fees Stipulations contained herein.

4. All impacts of every portion of the development upon public facilities shall be identified no later than the time of Preliminary Development Plan application for the entire tract and for all contiguous tracts in single ownership in accordance with guidelines and methods acceptable to the County and shall be assessed using the latest available data.
5. Prior to Final Subdivision Plat approval, Developer shall designate an Agent or, prior to the issuance of the first building permit for non-final plat developments, the Developer shall designate an Agent utilizing approved County forms. The Agent, on approved County forms, shall authorize the submission of off-site facility investment fees based upon latest available data prior to issuance of each building permit. The Agent shall be responsible for the submission of all monies payable pursuant to the stipulations and for the receipts or credit of monies the County may remit to the Developer.
6. Adjustments in the applicable off-site facility development fee for residential units and/or square footage for commercial and industrial units, shall be made against an equivalent number of residential units and/or square footage of commercial or industrial units next constructed. Adjustments shall be determined without regard to inflation or interest.
7. The off-site facility development fee for each building shall be assessed when the building permit is issued and collected by the Manatee County Planning Department prior to the issuance of a Certificate of Occupancy therefor, and shall be escrowed as provided in paragraph 8 of these stipulations. This provision shall not be applicable to any transfer of land in fee from the developer to the Manatee County School Board as provided in paragraph 12 of the Off-site Facilities Development Fees Stipulations contained herein.
8. Manatee County Finance shall escrow monies collected from off-site facility development fees and shall identify each development with a project number. Upon adoption of an impact fee ordinance, all escrowed monies shall be segregated by project number and incorporated into the impact fee fund created for the impact district in which the development is located.
9. Concurrent with the payment and collection of off-site facility development fees, the Agent shall pay and Manatee County Planning Department shall collect additional and non-refundable administrative costs calculated as 1.5% of the off-site facility development fee then collected. Administrative costs collected shall be credited to Manatee County Finance and shall be adjusted as provided in paragraph 6 of these stipulations.
10. Upon adoption of an impact fee ordinance, differences may occur between the impact fee set by ordinance and the fees collected pursuant to these stipulations. Should impact fees set by the ordinance exceed the monies escrowed by the developer, developer's Agent

shall be responsible for either submitting the cash difference to the County without regard to payment of interest within one year from the adoption of the ordinance or making adjustments as provided in paragraph 6. Should the impact fees set by the ordinance be less than the monies escrowed by the developer, the County at the Agent's election, shall remit the difference to developer's Agent without regard to payment of interest within sixty (60) days from adoption of the ordinance, or credit the difference as provided in paragraph 6 of these stipulations.

11. In the event Manatee County fails to adopt an impact fee ordinance by July 1, 1987, the escrowed monies shall be deemed released and paid over to the County which shall utilize the monies to build those public improvements benefiting the development. The monies shall be distributed for use as provided by the final latest available data adopted by the Board and shall be limited to public improvements specially benefiting the development.
12. The development plan submitted with the rezone application herein, sets forth a residential portion and a school site portion. The school site portion shall be considered as a separate entity for the calculation and payment of impact fees only upon the submission to the County of a certified copy of a deed, or other admissible evidence of conveyance in fee, from the developer to the school body. Failure to provide evidence of conveyance in fee, shall require the developer to pay all impact fees associated with the property. The applicability of off-site facility development fees and any future impact fees to a public school site is currently unsettled and as applied to the school site portion herein, if said portion is utilized as a public school. The applicability of Section I, off-site facility development fee stipulations, or any subsequent duly enacted impact fee ordinance, shall be determined by applicable, special or general law and judicial interpretation thereof. The acceptance of these stipulations by the developer shall not be construed as an admission by developer or his successors of the right of the County to levy and collect such fees on the school site portion if utilized as a public school.

II. GENERAL STIPULATIONS:

No stipulation herein contained (in Section II, General Stipulations) shall be modified or changed by any subsequent land use ordinance affecting this property so as to result in any lesser burden or obligation upon the development than that contained herein.

1. In accordance with Policy 9-1.C of The Manatee Plan, Level of Service "C" shall be maintained on State Road 70 from Lorraine Road west to I-75. No preliminary development plan will be finally authorized that would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstances upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service at these intersections to a level below C or, if a lower level has already been reached prior to commencement of this project, any degradation in that Level of Service.

2. Stormwater management system design shall meet or exceed the guidelines of the Camp, Dresser & McKee Report or any other guidelines or surface water management performance standards that may be developed or adopted by the County prior to Final Development Plan approval. The design shall incorporate Best Management Practices as defined by the County be based on site specific data reflecting seasonal variations (ground and surface water quality and quantity) and seek to maintain water quantity contributions to the Braden River.
3. Upon submission to the County of a certified copy of a deed or other admissible evidence of conveyance in fee, from the developer to the school body, a Stormwater Management Plan shall be submitted with the Preliminary Development Plan for the residential portion of the project and a separate Stormwater Management Plan shall be submitted with the site plan for the school portion of the project. Failure to provide evidence of conveyance in fee at the time of Preliminary Development Plan, shall require the developer to submit a Stormwater Management Plan for all portions of the project. Construction and post-construction monitoring of surface water quality and flow and groundwater level shall be outlined for each. At the time of application for final PDR plan approval, the design and execution of a maintenance program to ensure adequate functioning of the system beyond the approval of the final subdivision plat shall be provided to the County. The stormwater management system shall be designed with enough flexibility to allow for hydroperiod refinement, in accordance with the State requirements.
4. The developer shall establish a homeowners' association for the residential portion of the project. The homeowners' association shall warrant, in accordance with Southwest Florida Water Management District requirements, the performance of the stormwater management system in compliance with County and State standards. The association or if a special district is established, the district shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval. The County shall have the authority to assess the association, individual properties, or special district for continuing performance of the systems in compliance with the standards set forth in the monitoring program.
5. All Department of Environmental Regulations, jurisdictional wetlands and streams shall be preserved physically and functionally. The only exception may be those areas in which Federal and/or State environmental permits are obtained for such activities or alternation of marginal wetland areas where mitigative measures will substantially outweigh the effects of the activities. The County may require the dedication of a Conservation Easement over the jurisdictional areas in order to place future property owners on notice of their jurisdictional status.
6. The developer shall demonstrate, at the time of application for final PDR plan approval for the residential portion of the project that the engineering and maintenance designs for the golf course incorporate the appropriate "Best Management Practices to insure that the existing quality of the Braden River and its watershed will be upheld.

7. The Preliminary Development Plan shall show a future roadway tie to the Schroeder-Manatee property to the east, providing for the extension of Linger Lodge Road.
8. River Club shall contribute a pro-rata share of the cost to construct and equip the Sheriff Department's portion of the Public Services Building on the Tara Public Site. The timing and amount of the required financial contribution shall be determined at the time of Preliminary Development Plan submittal.
9. The golf course shall be protected through appropriate restrictions in the homeowners' documents as a golf course and/or open space.

Section 3. AMENDMENT OF OFFICIAL ZONING ATLAS The official Zoning Atlas of Manatee County Ordinance No. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND 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 District) to PDR (Planned Residential Development District), retaining the WP (Watershed Protection) and ST (Special Treatment) Overlay Classifications and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning and Development Department are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. Legal Description:

Braden Woods East of Braden Woods VI and north of river less 7 acre church description:

A parcel of land lying in Sections 18, 19 and 30, Township 35 South, Range 19 East, Manatee County, Florida being described as follows:

Begin at the NE corner of said Section 30; thence S 00°21'40" W, along the east line of said Section 30, a distance of 420 feet, more or less, to the southerly ordinary high water line of the Braden River; thence northwesterly along the said ordinary high water line, a distance of 5000 feet, more or less, to the occupied east line of the SW ¼ of the SW ¼ of aforesaid Section 19; thence N 00°13'51" W, along said east line, a distance of 1000 feet, more or less, to the Point of Intersection with the easterly prolongation of the south line of Lot 31, Block 8, of Braden Woods Subdivision, Phase IV, as recorded in Plat Book 21, Page 159 of the Public Records of Manatee County, Florida, said point also being a point on the arc of a curve to the left whose radius point bears N 66°36'02" E, at a distance of 700.00 feet; thence southeasterly along the arc of said curve through a central angle of 00°28'30", a distance of 5.80 feet; thence N 67°21'12" E, a distance of 268.30 feet; thence S 89°32'48" E, a distance of 401.49 feet; thence N 31°27'00" E, a distance of 634.04 feet; thence N 83°27'00" E, a distance of 230.00 feet; thence S 06°33'00" E, a distance of 293.93 feet; thence S 51°33'00" E, a distance of 150.00 feet; thence N 78°48'07" E, a distance of 271.92 feet; thence N 41°42'20" E, a distance of 572.09 feet; thence N 58°33'50" W, a distance of 945.24 feet; thence S 74°57'00" W, a distance of 393.25 feet; thence S 31°57'00" W, a distance of 662.40 feet; thence S 07°03'00" E, a distance of 478.24 feet; thence N 89°32'48" W, a distance of 284.00 feet; thence S 67°21'12" W, a distance of 3.33 feet to a point on the arc of a curve to the right whose radius point bears N 67°21'12" E, a distance of 431.80 feet; thence northerly along the arc of said curve through a central angle of 23°06'00", a distance of 174.09 feet to the P.T. of said curve; thence N 00°27'12" E, a distance of 165.72 feet to the P.C. of a curve to the right having a radius of 1181.80 feet; thence northerly along the arc of said curve through a central angle of 21°24'32", a distance of 441.58 feet to the P.R.C. of a curve to the left having a radius

of 1618.20 feet; thence northerly along the arc of said curve through a central angle of $21^{\circ}24'32''$, a distance of 604.65 feet to the P.T. of said curve; thence $N\ 00^{\circ}27'12''\ E$, a distance of 3608.61 feet to the southerly right-of-way line of State Road 70 (Section 13075-2402); thence along said right-of-way line the following six courses; $S\ 70^{\circ}20'03''\ E$, a distance of 921.35 feet; and $S\ 70^{\circ}25'18''\ E$, a distance of 257.11 feet to the P.C. of a curve to the left having a radius of 2996.79 feet; and easterly along the arc of said curve through a central angle of $03^{\circ}37'01''$, a distance of 189.18 feet to the P.T. of said curve; and $S\ 74^{\circ}02'19''\ E$, a distance of 421.41 feet to the P.C. of a curve to the right having a radius of 2732.79 feet; and easterly along the arc of said curve through a central angle of $03^{\circ}37'01''$, a distance of 172.51 feet to the P.T. of said curve; and $S\ 70^{\circ}25'18''\ E$, a distance of 748.11 feet; thence $S\ 00^{\circ}34'50''\ W$, a distance of 644.97 feet; thence $S\ 70^{\circ}25'18''\ E$, a distance of 500.00 feet to the east line of aforesaid Section 19; thence $S\ 00^{\circ}34'50''\ W$, along said east line, a distance 4795.03 feet to the Point of Beginning.

Subject to pertinent easements, rights-of-way, and restrictions of record.

Containing 388 acres, more or less.

Section 5. EFFECTIVE DATE This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 7th of November, 1985.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chance
Chairman

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


