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MANATEE COUNTY ZONING ORDINANCE
PDMU-05-09(P)(R) – CENTRAL PARK LIFESTYLES, LLC/CENTRAL PARK

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE NO. PDR-05-09(Z)(P) FOR CENTRAL PARK (APPROXIMATELY 372 ACRES), LOCATED EAST OF LAKEWOOD RANCH BOULEVARD, SOUTH OF FUTURE EXTENSION OF 44TH AVENUE, AND WEST OF POPE ROAD, BRADENTON, IN THE PDMU/WPE/ST (PLANNED DEVELOPMENT MIXED USE/WATERSHED PROTECTION/SPECIAL TREATMENT OVERLAY) ZONING DISTRICT; APPROVING REVISED ORDINANCE NO. PDMU-05-09 (P)(R) TO ALLOW 42' WIDE LOTS, 6' SIDE YARD SETBACKS, AND DELETE LIMITATIONS ON PLACEMENT OF HVAC UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

2009 DEC 11 AM 10:27

FILED

WHEREAS, Central Park Lifestyles, LLC (the "Applicant") has filed an application for a revised Preliminary Site Plan for approximately 372 acres described in Exhibit "A", attached hereto, (the "Property") to allow 42' wide lots with 6' side yard setbacks; and

WHEREAS, Planning Department staff recommended approval of the revised Preliminary Site Plan application and revised Ordinance subject to the stipulations contained in the staff report; and

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, after considering the testimony, evidence, documentation, the recommendation and findings of the Planning Department, 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 Department concerning the application for a revised Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on December 3, 2009 regarding the proposed revised Preliminary Site Plan 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 the public hearing.

- C. The proposed Preliminary Site Plan 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 revised Preliminary Site Plan is hereby approved to allow 42' wide lots and 6' side yard setbacks subject to the following Stipulations:

STIPULATIONS

1. This project shall comply with all future restrictions and conditions of the Northwest Sector DRI Development Order and GDP Zoning Ordinance when approved. The applicant shall modify all applicable site plans to address future restrictions and conditions imposed by the NW Sector DRI Development Order that are inconsistent with prior county approvals.
2. Commercial Requirements
 - A. The maximum square footage and FAR per commercial parcel shall not exceed what is identified on the Preliminary Site Plan.
 - B. The eastern-most outparcel on the commercial parcel at Lakewood Ranch Boulevard and 44th Avenue shall be limited to a bank, personal service establishment, business services, post office, or office. If a bank, the drive thru shall be on the west side of the building.
 - C. The minimum building setbacks on the two commercial parcels shall be as indicated on Sheets 4 and 12 of the Preliminary Site Plan. Setback reduction modifications, pursuant to Section 603.6 of the Land Development Code, shall not be granted to the buildings adjacent to the residential component.
 - D. The footprint for the two anchor stores on the parcel at Lakewood Ranch Road and 44th Avenue shall maintain the angle with the eastern property line unless increased building setbacks are provided to mitigate for the increased impacts.
 - E. The maximum height of non-residential buildings within 175 feet of any residential lot shall be 24 feet.
 - F. All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Planning Department with future Final Site Plan and Building Permit submittals.
 - 1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of two or more roof

types (parapet, dormers, and sloped, etc.).

2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted, architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy-five percent (75%) of the building face is constructed from other permitted materials.

G. All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.

H. Service Areas

1) All truck loading, service areas, and outside storage, shall not be adjacent to or visible from adjacent roads or visible from residential properties.

2) Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade.

I. Exhaust and other filtering systems in Food Service Establishments or uses shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. This system shall be approved by the Environmental Management Department Air Quality Section with each Final Site Plan containing a Food Service Establishment or use.

J. Exterior loud speakers, bells, or similar audio-communication shall not be permitted; however, directed (non-broadcast) communication devices and intercoms shall not be restricted. "Directed (non-broadcast)" shall mean not plainly audible to a person greater than 10 feet from the source.

K. Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings (or side if it faces the residential component) shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no:

- delivery, loading or unloading of tractor trailer or semi-trucks;
- use of forklifts or other loading or unloading devices; and
- running of truck or trailer motors, or other refrigeration devices installed thereon.

L. At time of Final Site Plan submittal, a fifteen foot buffer shall be provided along the boundary of the commercial parcel where it abuts the residential component.

M. At least one year prior to the first Final Site Plan approval for each commercial parcel, the abutting landscape buffer on the residential parcel shall be completed

and certified to the Planning Department by a Florida Registered Landscape Architect. The Landscape Architect shall certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

Prior to Certificate of Occupancy for the main commercial buildings on each commercial building, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

- N. The developer shall construct vehicular access to the northwest commercial site from the residential component of the project. Such access may, at the developers option be gated. Modifications to the site plan to accommodate this connection may be administratively approved.
- O. The applicant has the option of administratively relocating up to 3,000 square feet of commercial entitlements to lots adjacent to the central park, consistent with the Comprehensive Plan.
- P. Commercial uses accessory to the park may be located on the central park site administratively.

3. Residential

- A. The front yard setback for all residences shall be 25' (20' to the building for side loaded garage).
- B. Prior to Final Plat approval for the section abutting each commercial parcel, the wall, berm, and landscaping depicted in Attachment "B" shall be installed.
- C. To provide adequate area for tree canopy growth for screening purposes, the landscape buffer, where abutting the commercial component, shall be increased to a minimum width of 40 feet on the residential component. Lots shown on the Preliminary Site Plan as being within this stipulated buffer shall be redesigned and relocated out on the Final Site Plan.
- D. The Notice to Buyers or Tenants shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the sales contract, and in the Final Site Plan shall include language informing prospective homeowners of the following:
 - 1) The future commercial development at the intersections of Lakewood Ranch Boulevard and 44th Avenue and at Pope Road and 44th Avenue. The Notice shall include the approved building area and a list of approved uses.
 - 2) The future extensions of 44th Avenue and Pope Road as collector roadways along the north and east and the future extension of Malachite

Drive as major local street along the south.

- E. Lots within 200 feet of the commercial parcels shall be limited to one story houses.
- F. If, at time of Final Site Plan approval for the residential approval, the Northwest Sector DRI General Development Plan does not provide sufficient quality open space, as determined by the Planning Department, side yard setbacks shall be increased to 7.5 feet.
- G. Prior to Final Site Plan approval the applicant shall provide a noise mitigation plan to the staff for mitigation of noise from thoroughfare roads. Such analysis shall demonstrate noise mitigation based on projected 2025 traffic volumes. The noise mitigation measure shall be installed as required by the approved plan.
- H. There shall be a minimum ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structures alongside adjoining houses with 6-foot side yard setbacks. Exhibit "B"

4. Environmental

- A. An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Final Plat approval, in accordance with Section 715.4 of the LDC.
- B. The project 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.
- C. Unless otherwise approved by the Planning Department, native or drought tolerant landscape materials shall be utilized. The developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.
- D. Erosion and Sediment Control (ESC) measures are required by Sections 717.3.17 and 717.4.2.7 of the LDC. S&EC drawings, details, or notes have not been included in this submittal. Locations, details or notes for ESC should be submitted to the Planning Department for approval and be included in the Final Site Plan.
- E. An integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Planning Department for review and approval prior to Final Site Plan approval. Where practical, native or

drought tolerant landscape materials shall be utilized in common areas.

- F. A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the EMD for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first.
- G. The entire site shall be evaluated for potential hazardous material locations (i.e., 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.
- H. The developer shall provide an updated study, consistent with Policy 3.3.2.3 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. A Management Plan, approved by the appropriate State or Federal agency, shall be provided to the Planning Department for any listed species found on-site, prior to Final Site Plan approval.
- I. The developer shall be responsible for providing mitigation for impacts to Wetland 41 associated with the widening of Lakewood Ranch Boulevard. The amount of mitigation required for the proposed wetland impacts will be determined and approved by SWFWMD utilizing the Uniform Mitigation Assessment Method (UMAM), with the issuance of the Environmental Resource Permit.
- J. The developer shall provide a copy of the Environmental Resource Permit approved by SWFWMD to the Planning Department prior to Final Site Plan approval.

5. Transportation and Drainage

- A. Prior to or concurrent with each Final Plat approval abutting perimeter roads, right-of-way for adjacent perimeter roadways as shown on the Preliminary Site Plan shall be dedicated.
- B. Prior to the first Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, the following roadway improvements shall be completed:
 - 1). The outside 2 lanes of a 4 lane divided design for 44th Avenue (with sidewalks and bike lanes) from Lakewood Ranch Boulevard to Pope Road;
 - 2). The outside 2 lanes of a 4 lane divided design for Pope Road (with sidewalks and bike lanes) from 44th Avenue to Malachite Drive; and
 - 3). The outside 2 lanes of a 4 lane divided design for Malachite Drive (with sidewalks and bike lanes) from Lakewood Ranch Boulevard to Pope Road.

- C. This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Mill Creek. Modeling shall be used to determine pre- and post-development flows.
- D. The project shall provide 150% water quality treatment for outfall flow directly or indirectly into the Evers Reservoir Water Protection Overlay (WP-E).
- E. 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.
- F. Approval of Final Site Plan, Construction Plans and Preliminary Plats, as well as construction of horizontal infrastructure and issuance of building permits for and construction of model homes is authorized prior to substantial completion of the improvements to SR 64 between Lena Road and Lakewood Ranch Boulevard, after approval of a Certificate of Level of Service.

Approval of Final Plats and issuance of Building Permits for residential units other than model homes is not authorized until the construction of improvements to SR 64 between Lena Road and Lakewood Ranch Blvd. is substantially complete (i.e. all lanes open for travel) as determined by the County Transportation Director, unless and until prior to the first permit for a residential dwelling unit for other than a model unit the County and the Developer have executed a Local Development Agreement providing for:

- (1). Authorization of the construction of up to 50 building permits for residential units (inclusive of model permits), subject to the County acceptance of the bid for completion of SR 64 improvements by FDOT and commencement of construction of said improvements.
 - (2) Contribution by the Developer of \$500,000 to the County, said amount which would be non-impact fee creditable; and
 - (3) Such other terms and conditions as are mutually agreed upon.
- G. The developer shall provide an easement(s) to Manatee County to accept stormwater to accommodate future roadway expansion for Pope Road, 44th Avenue East, Malachite, and Lakewood Ranch Boulevard, along with the right of access to modify the stormwater system(s) to create additional treatment and attenuation capacity, at the expense of the County if that expense is the County's responsibility.
 - H. The developer shall dedicate sufficient right-of-way at all roadway intersections to accommodate future buildout design for each intersection.

Section 3. 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 provision 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. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. 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 3rd day of December, 2009.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: *Dr. Gwendolyn Y. Brown*
Dr. Gwendolyn Y. Brown, Chairman

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

BY: *Susan Shore*
Deputy Clerk



EXHIBIT "A"

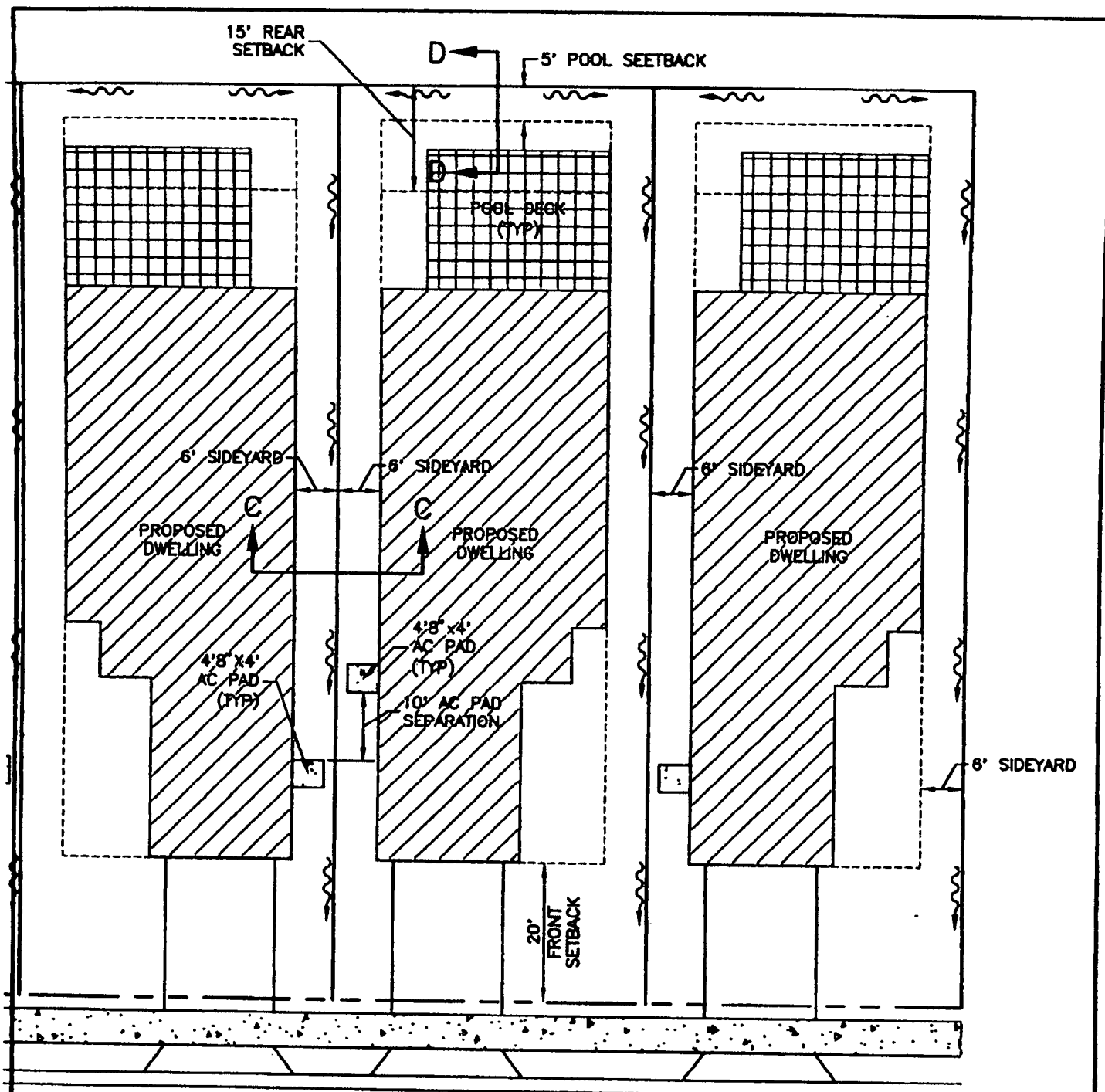
LEGAL DESCRIPTION

A tract of land lying in Section 7 and 8, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southwest corner of Section 8, Township 35 South, Range 19 East; thence S.89°34'35"E., a distance of 4,473.76 feet; thence N.00°25'25"E., a distance of 1,865.88 feet to the POINT OF BEGINNING; thence S.82°55'49"W., a distance of 734.17 feet to the point of curvature of a curve to the left having a radius of 2,143.00 feet and a central angle of 34°25'49"; thence southwesterly along the arc of said curve, an arc length of 1,287.78 feet to the point of reverse curvature of a curve to the right having a radius of 2,023.00 feet and a central angle of 44°37'24"; thence westerly along the arc of said curve, an arc length of 1,575.56 feet to the point of tangency of said curve; thence N.86°52'35"W., a distance of 1,131.57 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 91°33'16"; thence northwesterly along the arc of said curve, an arc length of 79.90 feet to the point of tangency of said curve, said point being a point on the east line of Lakewood Ranch Boulevard as recorded in Official Record Book 1443, Page 4980 of the Public Records of Manatee County, Florida; the following 2 calls are along said east line of Lakewood Ranch Boulevard; thence N.04°40'41"E., a distance of 2,619.78 feet to the point of curvature of a curve to the left having a radius of 2,060.00 feet and a central angle of 25°57'27"; thence northerly along the arc of said curve, an arc length of 933.27 feet to the point of reverse curvature of a curve to the right having a radius of 50.00 feet and a central angle of 95°42'23"; thence northeasterly along the arc of said curve, a distance of 83.52 feet to the point of tangency of said curve; thence N.74°25'37"E., a distance of 50.78 feet to the point of curvature of a curve to the right having a radius of 2,777.50 feet and a central angle of 14°53'05"; thence easterly along the arc of said curve, an arc length of 721.56 feet to the end of said curve, thence N.00°41'18"W. along a line radial to the last described curve, a distance of 12.50 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S.00°41'18"E., a radial distance of 2,790.00 feet; thence easterly along the arc of said curve, through a central angle of 13°12'59", an arc length of 643.57 feet to the point of reverse curvature of a curve to the left having a radius of 2,940.00 feet and a central angle of 41°16'07"; thence easterly along the arc of said curve, a distance of 2,117.61 feet to the point of reverse curvature of a curve to the right having a radius of 2,790.00 feet and a central angle of 16°32'46"; thence easterly along the arc of said curve, a distance of 805.71 feet to the end of said curve; thence S.12°11'41"E. along a line radial to the last described curve, a distance of 12.50 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies S. 12°11'41"E., a radial distance of 2,777.50 feet; thence easterly along the arc of said curve, through a central angle of 13°04'19", an arc length of 633.68 feet to the point of tangency of said curve; thence S.89°07'21"E., a distance of 137.85 feet to the point of curvature of a curve to the right having a radius of 50.00 feet and a central angle of 89°22'24"; thence southeasterly along the arc of said curve, an arc length of 77.99 feet to the point of tangency of said curve; thence S.00°15'03"W., a distance of 359.07 feet to the point of curvature of a curve to the right having a radius of 2,780.00 feet and a central angle of 01°37'40"; thence southerly along the arc of said curve, an arc length of 78.98 feet to the end of said curve; thence S.88°07'17"E. along a line radial to the last described curve, a distance of 20.00 feet to the point of curvature of a non-tangent curve to the right, of which the radius point lies N.88°07'17"W., a radial distance of 2,800.00 feet; thence

southerly along the arc of said curve, through a central angle of $24^{\circ}46'23''$, an arc length of 1,210.64 feet to the point of reverse curvature of a curve to the left having a radius of 2,930.00 feet and a central angle of $31^{\circ}36'21''$; thence southerly along the arc of said curve, an arc length of 1,616.27 feet to the point of reverse curvature of a curve to the right having a radius of 50.00 feet and a central angle of $87^{\circ}53'04''$; thence southwesterly along the arc of said curve, an arc length of 76.69 feet to the POINT OF BEGINNING.

Said tract contains 16,204,397 square feet of 372.0018 acres, more or less.



AC PAD DETAIL

Exhibit "B"

PROJECT: FOREST CREEK

CLIENT: COMPASS PROPERTY HOLDINGS, LLC

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

6800 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-9884 • Phone 941-557-0800 • Fax 941-557-0800 • Web Site: www.wilsonmiller.com

SCALE: 1" = 20'	DATE: 12/09
SHEET NO. 04284-001-000	REV NO.
PROJECT NO. 04284-001-000	INDEX NO. 04284-001007
DRWN BY/ESP NO. BPK/1879	SHEET NO. 1 of 1

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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 8th day of
December, 2009
R.B. SHORE
Clerk of Circuit Court
By: Uchiki J. Sasser, C.C.

FILED FOR RECORD
R. B. SHORE

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 11, 2009

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

Attention: Ms. Vicki Tessner, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 8, 2009 and certified copies of Manatee County Ordinance Nos. PDMU-05-09 (P) (R), PDMU-05-19 (Z)(G) (R2), PDR-03-53 (P) (R5), PDR-06-87 (P) (R2) and 09-69, which were filed in this office on December 11, 2009.

As requested, one 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/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

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