

MANATEE COUNTY ZONING ORDINANCE
PDMU-00-02(Z)(G) - MANATEE FRUIT COMPANY/VILLAGES AT LOCKWOOD RIDGE

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), A-1/WP-E (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE/WATERSHED PROTECTION-EVERS OVERLAY DISTRICT), AND A-1/WP-E/ST (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE/WATERSHED PROTECTION - EVERS OVERLAY DISTRICT/SPECIAL TREATMENT OVERLAY DISTRICT) TO PDMU (PLANNED DEVELOPMENT MIXED USE), PDMU/WP-E (PLANNED DEVELOPMENT MIXED USE/WATERSHED PROTECTION - EVERS OVERLAY DISTRICT), AND PDMU/WP-E/ST (PLANNED DEVELOPMENT MIXED USE/WATERSHED PROTECTION - EVERS OVERLAY DISTRICT/SPECIAL TREATMENT OVERLAY DISTRICT); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 600 SINGLE-FAMILY LOTS; 146,000 SQUARE FEET OF COMMERCIAL BUILDING SPACE; AND AN OPTION TO EXCHANGE 140,000 SQUARE FEET OF COMMERCIAL BUILDING SPACE FOR 224 MULTI-FAMILY RESIDENTIAL UNITS GRANTING SPECIAL APPROVAL FOR 1) A PROJECT EXCEEDING 30,000 SQUARE FEET OF NON-RESIDENTIAL BUILDING AREA IN A RES FUTURE LAND USE CATEGORY; AND 2) A PROJECT LOCATED WITHIN THE COASTAL PLANNING AREA AND EVERS WATERSHED OVERLAY DISTRICT.

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, 1 dwelling unit per acre), A-1/WP-E (Suburban Agriculture, 1 dwelling unit per acre/Watershed Protection-Evers Overlay District), and A-1/WP-E/ST (Suburban Agriculture, 1 dwelling unit per acre/Watershed Protection - Evers Overlay District/Special Treatment Overlay District) to PDMU (Planned Development Mixed Use), PDMU/WP-E (Planned Development Mixed Use/Watershed Protection Overlay District), and PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection Overlay District/Special Treatment Overlay District).

B. The Board of County Commissioners held a public hearing on September 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.

FILED FOR PROCEEDING
R. B. SMITH
CLERK OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA
NOV 2 2 44 PM '00

2000 OCT 30 AM 11:25
PLANNING DEPARTMENT OF MANATEE COUNTY, FLORIDA
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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 600 single-family detached lots; 146,000 square feet of commercial building space; and an option to exchange 140,000 square feet of commercial building space for 224 multi-family residential units , granting Special Approval for 1) a project exceeding 30,000 square feet of non-residential building area in a RES Future Land Use Category; and 2) a project located within the Coastal Planning Area and Evers Watershed Overlay District with the following stipulations:

STIPULATIONS

1. The storm water facility adjacent to the intersection of 39th Street East and 63rd Avenue East (and any other storm water facilities which will impact a significant number of trees) shall make provisions at time of Preliminary and Final Site Plan approvals to save as many significant trees or tree clusters as possible. This may be accomplished by shifting or meandering the shoreline of the proposed storm water facility.
2. All native trees and vegetation shall be preserved within the 15 foot wide greenbelt adjacent to Lionshead Subdivision. At time of Final Site Plan submittal, all significant native trees within 25 feet of the gas pipeline easement adjacent to Lionshead Subdivision shall be identified. The developer shall verify that the design of the subdivision, including site grading and the location of stormwater facilities, shall facilitate the preservation of as many of these trees as possible. The 15 foot greenbelt adjacent to Lionshead shall be exclusive of the gas pipeline easement.
3. A 15 foot greenbelt (required pursuant to Section 603.7.4.5 of the LDC) shall be provided around the perimeter of the single-family residential portion of the project. This buffer shall be increased to 20' when adjacent to functionally classified roadways or in accordance with Stipulation 2.
4. All lots adjacent to Lionshead Subdivision shall be minimum width of 75' and lot area of 8,000 square feet.
5. Prior to Final Plat approval, a six foot high finished decorative concrete block wall (or a wall or barrier of a material with similar noise reduction properties) shall be provided along major thoroughfare roadways as follows:
 - a. Abutting 63rd Avenue East (Honore Avenue), adjacent to residential lots in Villages 2 and 3.
 - b. Adjacent to residential lots abutting Lockwood Ridge Road in Village 2, across from the commercial/multi-family tract.
 - c. Adjacent to residential lots abutting Lockwood Ridge Road in Village 3 north of the existing wetland.

6. A 25 foot wide upland buffer shall be provided along the northern boundary of the commercial/multi-family parcel in Village 1 and the southern boundary of the commercial parcel in Village 3. The following improvements shall be provided within the buffer prior to the first Certificate of Occupancy for each commercial (or multi-family) parcel:
 - a. An eight-foot high (as measured above the finished floor elevation of the proposed building) finished concrete block wall (or a wall of a material with equivalent appearance and noise reduction properties). This wall may be reduced to 6 feet in Village 1 if the parcel is developed as multi-family.
 - b. A row of canopy trees, 3 inch caliper or greater, planted 30 feet on center, in addition to required understory trees.
7. Commercial and multi-family buildings shall maintain a minimum setback of 50 feet from the single-family portion of the project. Setbacks for buildings exceeding 20 feet in height shall be increased 2 feet for each foot above 20 feet adjacent to the single-family portion of the development.
8. All semi-trailer truck deliveries and truck loading and unloading at the rear of the buildings, adjacent to the residential portion of the site, shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.
9. Rooftop mechanical equipment shall not be visible from adjacent single-family residential properties (both internal and external to the project).
10. The sides of all non-residential buildings shall have minimal blank walls no longer than 40 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements shall be incorporated into the design of structures 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.] or other methods, as approved by the Planning Director. Design elements shall be reviewed for compliance by staff at time of Final Site Plan submittal.
11. All non-residential building facades shall exhibit an aesthetically attractive appearance. 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 visible from any roadway or adjacent property. The applicant shall verify compliance with this provision prior to Final Site Plan approval and Certificate of Occupancy. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
12. There shall be no outdoor bells, intercoms, or outdoor music within 200 feet of residential property.
13. Commercial uses shall be limited to uses permitted administratively in the Neighborhood Commercial zoning district.

14. Multi-family buildings shall not exceed 2 stories in height within 50 feet of Lockwood Ridge Road or 63rd Avenue East (Honore Avenue).
15. Access to the focal point in Village 1 shall consist of a paved surface and be a minimum width of 5 feet. The focal point area, not including access, shall be a minimum area of 1 acre.
16. A minimum of 5 shade trees shall be planted in each focal point prior to Final Plat approval for the particular phase.
17. An inter-neighborhood tie shall be provided to the development to the east, currently zoned RSMH-4.5, if that property is rezoned to PDR prior to Preliminary Site Plan approval for Village 2. The tie may be provided to the north if a new street is to be constructed to access the development to the east.
18. The applicant and their heirs, assigns, or transferees, are hereby notified that a payment of an impact fee for school purposes shall be required when and if such impact fee is adopted by the School Board of Manatee County or the Board of County Commissioners.
19. Prior to the first Final Plat approval (or issuance of a Certificate of Occupancy if a plat is not required), Lockwood Ridge Road shall be completed. Prior to any Final Site Plan approval for the commercial/multi-family parcel or the last Final Plat for Village 1, 63rd Avenue East (Honore Avenue) shall be constructed from 39th Avenue East to Lockwood Ridge Road. Prior to the Final Plat approval of the 120th lot in Villages 2 or 3 east of Lockwood Ridge Road, 63rd Avenue East (Honore Avenue) shall be constructed from Lockwood Ridge Road to Mote Ranch. In the event that the applicant, it's successors, or assigns, provides right-of-way or constructs any such portions of 63rd Avenue East (Honore Avenue), transportation impact fee credits shall be provided in accordance with Section 806 of the Manatee County Land Development Code.

The applicant shall enter into a Participation Agreement and construct that portion of Honore Avenue from the project to its connection in Mote Ranch prior to the Final Plat approval of the 120th lot in Villages 2 or 3. The County shall be responsible for providing right-of-way in this segment. The Developer shall be responsible for design and construction of this segment. If the cost of extending Honore to Mote Ranch exceeds the impact fee credits necessary for the development of the project, the County shall reimburse the applicant for cost in excess of their credits necessary for development of the project.
20. The applicant shall demonstrate 35% open space within the Watershed at the time of Preliminary Site Plan approval.
21. An evaluation of this site for critical habitat and species should be performed as required pursuant to Comprehensive Plan Policy 3.3.2.3 prior to Preliminary Site Plan approval. Wetland buffers may be increased and/or additional upland preservation may be required as a result of the study.
22. A Construction Water Quality Monitoring Plan with proposed sampling locations shall be submitted to the Environmental Management Department for review and approval prior to Final

Site Plan approval, and shall be implemented prior to commencement of any land clearing activities.

23. Prior to Preliminary Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/above ground 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.
24. An Integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides and herbicides shall be submitted to the Environmental Management Department for review and approval prior to Final Site Plan approval. Where practicable, native, xeriscape landscape 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.
25. The boundaries of the wetland buffers shall be marked with signs (up to 2 per lot) indicating that this is a wetland protection area. Such signage shall be approved by the Environmental Management Department with Final Site Plan approval. There shall also be a Notice To Buyers indicating that these lots have a wetland and buffer area on them, with a reference to the recorded conservation easement.
26. Concurrent with the first plat, a permanent sign shall be placed on the parcels at the Northwest and Southeast quadrants of Lockwood Ridge Road and Honore identifying the approved commercial and multi-family uses on the sites. The owner shall maintain these signs until those properties are developed. The sign design shall be approved by the Planning staff with the first Final Plat.
27. The developer shall be responsible for their fair share of traffic safety improvements necessary for the project, in accordance with applicable Manatee County, State and Federal regulations. This may include, but is not limited to, construction and installation of a traffic signal at Honore and Lockwood Ridge.
28. The location of the extension of Honore from Lockwood Ridge to the east shall be evaluated to ensure minimal wetland and buffer impacts. If required, the roadway configuration shall be adjusted to avoid wetland and buffer impacts. Phase lines may be adjusted accordingly.
29. The applicant shall reduce stormwater discharge up to 50% of the pre-development rate as determined by the County stormwater engineer after site-specific review.
30. If the multi-family option is developed in Village 1, an active recreation area consisting of 3/4 of an acre in size shall be provided within the multi-family parcel.

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), A-1/WP-E (Suburban Agriculture, 1 dwelling unit per acre/Watershed Protection-Evers Overlay District), and A-1/WP-E/ST (Suburban

Agriculture, 1 dwelling unit per acre/Watershed Protection - Evers Overlay District/Special Treatment Overlay District) to PDMU (Planned Development Mixed Use), PDMU/WP-E (Planned Development Mixed Use/Watershed Protection Overlay District), and PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection Overlay District/Special Treatment Overlay 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. LEGAL DESCRIPTION.

A PORTION OF THE NORTH 1/2 OF THE N.W. 1/4, AND THE WEST 1/2 OF THE N.E. 1/4, AND THE N.W. 1/4 OF THE S.E. 1/4 OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, AND, A PORTION OF THE S.W. 1/4 OF THE S.W. 1/4, AND THE EAST 1/2 OF THE S.W. 1/4, AND THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°26'29" E, ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 42.00 FEET FOR A POINT OF BEGINNING, AND A POINT ON THE EASTERLY RIGHT OF WAY LINE OF 39th STREET EAST; THENCE N 00°13'00" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1328.02 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE S.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION 16; THENCE S 89°25'38" E, ALONG SAID NORTH LINE, A DISTANCE OF 1279.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE S.W. 1/4 OF SAID SECTION 16; THENCE N 00°15'50" E, ALONG SAID WEST LINE, A DISTANCE OF 1327.70 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID EAST 1/2 OF THE S.W. 1/4; THENCE S 89°24'47" E, ALONG SAID NORTH LINE, A DISTANCE OF 1262.11 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF LOCKWOOD RIDGE ROAD; THENCE S 00°18'41" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 40.00 FEET; THENCE N 89°24'47" W, A DISTANCE OF 348.00 FEET; THENCE S 00°18'41" W, A DISTANCE OF 299.00 FEET; THENCE S 89°24'47" E, A DISTANCE OF 348.00 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE OF SAID LOCKWOOD RIDGE ROAD; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) S 00°18'41" W, A DISTANCE OF 1048.38 FEET; (2) S 89°25'38" E, A DISTANCE OF 15.00 FEET; THENCE S 00°18'41" W, A DISTANCE OF 673.38 FEET; THENCE N 89°41'19" W, A DISTANCE OF 471.55 FEET; THENCE S 00°18'41" W, A DISTANCE OF 410.08 FEET; THENCE S 89°41'19" E, A DISTANCE OF 471.55 FEET; THENCE S 00°18'41" W, A DISTANCE OF 184.25 FEET; THENCE S 00°01'34" E, A DISTANCE OF 1319.62 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE N.W. 1/4 OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°29'49" W, ALONG SAID SOUTH LINE, A DISTANCE OF 2560.44 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF AFORESAID 39th STREET EAST; THENCE N 00°18'19" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1322.37 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 16 AND 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 186.98 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°26'29" W, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 1319.96 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF SAID SECTION 21; THENCE S 00°03'14" E, ALONG THE EAST LINE OF SAID WEST 1/2 OF THE N.E. 1/4, A DISTANCE OF 2637.27 FEET TO THE NORTHEAST CORNER OF THE N.W. 1/4 OF THE S.E. 1/4 OF SAID SECTION 21; THENCE S 01°08'25" E, ALONG THE EAST LINE OF SAID N.W. 1/4 OF THE S.E. 1/4, A DISTANCE OF 590.00 FEET; THENCE S 89°58'27" W, A DISTANCE OF 1237.68 FEET TO A POINT OF THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 89°44'01" W, AT A DISTANCE OF 3319.04 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°50'41", A DISTANCE OF 396.50 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 3229.04 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°05'06", A DISTANCE OF 399.30 FEET TO THE POINT OF

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TANGENCY OF SAID CURVE; THENCE N 00°01'34" W, A DISTANCE OF 2446.75 FEET; THENCE N 00°18'41" E, A DISTANCE OF 1327.03 FEET TO AND INTERSECTION WITH THE NORTH LINE OF THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°25'38" E, ALONG SAID NORTH LINE, A DISTANCE OF 1276.15 FEET TO THE NORTHEAST CORNER OF SAID S.W. 1/4 OF THE S.E. 1/4; THENCE S 00°21'46" W, A DISTANCE OF 1327.04 FEET TO THE SOUTHEAST CORNER OF SAID S.W. 1/4 OF THE S.E. 1/4 AND THE POINT OF BEGINNING. LYING AND BEING IN SECTION 16 AND 21, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.
CONTAINING 133.19 ACRES, MORE OR LESS
CONTAINING A TOTAL OF 320.17 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 24th day of October, 2000.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Jan Stephens
Chairman

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

R. B. Shore



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 27 day of October, 2000
R.B. SHORE
Clerk of Circuit Court
By: Robin Liberty D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FILED FOR RECORD
R. B. SHORE
CLERK OF THE CIRCUIT COURT
MANATEE COUNTY

October 30, 2000

Nov 2 2 44 PM '00

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Janene Kearney, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 26, 2000 and corrected certified copy of Manatee County Ordinance No. PDMU-00-02(Z)G), which was filed in this office on October 30, 2000.

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

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure