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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

**MANATEE COUNTY ZONING ORDINANCE
PDMU-06-102(Z)(P) – SR 62 HOLDINGS, LLC / CONE RANCH**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 1,175.8 ACRES ON THE NORTH SIDE OF SR 62, ± 1 MILE EAST OF US 301, PARRISH FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY) TO THE PDMU/NCO (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY; APPROVAL OF A PRELIMINARY SITE PLAN FOR 1) 1,999 RESIDENTIAL UNITS, CONSISTING OF 905 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES, 258 LOTS FOR SINGLE-FAMILY SEMI-DETACHED UNITS, AND 836 MULTI-FAMILY UNITS; 2) 81,939 SQUARE FEET OF RETAIL AND SERVICE COMMERCIAL USES; AND 3) A 4,493 SQUARE FOOT DAY CARE CENTER; THIS PROEJCT IS DESIGNATED AS A WORKFORCE HOUSING PROJECT WITH AT LEAST 10% OF THE UNITS DESIGNATED AS WORKFORCE HOUSING; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, SR 62 Holdings, LLC (the "Applicant") filed an application to rezone approximately 1,175.8 acres described in Exhibit "A", attached hereto, (the "property") from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed use) zoning district, retaining the North Central Overlay; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 1) 1,999 residential units, consisting of 905 lots for single-family detached residences, 258 lots for single-family semi-detached units, and 836 multi-family units; 2) 81,939 square feet of retail and service commercial uses; and 3) a 4,493 square foot day care center (the "project") on the property; and

WHEREAS, the applicant also filed a request for Special Approval for a project: 1) exceeding a gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category; 2) exceeding a net density of 3 dwelling units per acre in UF-3 FLUC; 3) exceeding 30,000 square feet of non-residential uses in the UF-3 FLUC; and 4) a mixed use project; and

WHEREAS, the applicant filed a request for Specific Approval for alternatives to Sections 604.10.3.5(1), 710.1.5.2, 715.3.2.C.1.A, and 907.9.4.1 of the Land Development Code; and

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

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on January 22, 2009 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval received the staff recommendation 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 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 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, 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 A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) zoning district, retaining the North Central Overlay.

B. The Board of County Commissioners held a duly noticed public hearing on February 3, 2009, regarding the 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.

D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.5 (1), the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree because with the staff recommended stipulations the intent of the requirement will be met.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.1.5.2, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree because residents will have control over their individual parking spaces.

G. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.2.C.1.A, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree since the adjacent use is a railroad and will not benefit from

the landscaping on the exterior of the wall.

H. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 907.9.4.1, the Board finds that the public purpose and intent of the LDC regulation is satisfied to an equivalent degree since a connection will most likely be made in the future.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for for1) 1,999 residential units, consisting of 905 lots for single-family detached residences, 258 lots for single-family semi-detached units, and 836 multi-family units; 2) 81,939 square feet of retail and service commercial uses; and 3) a 4,493 square foot day care center upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

General:

1. All requirements of LDC Section 604.10 (North Central Overlay District) shall be complied with at time of Final Site Plan approval, with the exception of those requirements in which Specific Approval was granted with this request.
2. All commercial and residential lots shall have a minimum fifteen (15) foot building setback for buildings, swimming pools, pool cages, or other structures adjacent to perimeter and roadway buffers.
3. At time of Final Site Plan submittal, sign and building elevations for non-residential uses shall be provided as required pursuant to LDC Section 604.10 for staff review and approval.

Residential Component:

4. A minimum of 10% of the units shall be retained as workforce housing. This shall be ensured through execution of a Land Use Restriction Agreement.
5. All corner lots shall be 15% wider than the minimum lot size identified for each phase or lot type.
6. Corner lots with a common area strip shall have two front setbacks of 25' (the setback shall be measured from the street right-of-way and include the common areas).
7. The minimum lot width identified for each "lot type" on the Preliminary Site Plan must be met at the minimum front yard setback (measured at 25' back from the front lot line). Compliance shall be required with each Final Site Plan and Final Plat.
8. No lots shall have driveways along Boulevard "K" (west of the roundabout to Boulevard "A" or Spencer Parrish Road).

9. Signs shall be posted at all future neighborhood ties identifying the future connection. Sign locations and content shall be provided with the Final Site Plan for approval by the Planning Department.
10. The multi-family component within Phase IV shall be redesigned to provide for either additional guest parking spaces that are closer to the residential buildings or the relocation of additional spaces from the recreation area. The redesign shall be reviewed and approved with the Final Site Plan.
11. Driveways shall be provided for multi-family units (Building Types A and B) and shall be a minimum of 16 feet wide.
12. The front setback for all residential units shall be 25' to the buildings and 20' to the garages. For multi-family units, front yard setback shall be measured from the inside edge of the sidewalk.
13. At time of Final Site Plan approval, foundation landscaping (20 square feet per 1,000 sq. ft. gross floor area) or street canopy trees per LDC Section 715.3.4 shall be provided for multi-family buildings.
14. At time of Final Site Plan, parking configuration and locations for the multi-family structures shall be reviewed to ensure spaces are in proximity to buildings.
15. Prior to FSP approval, the applicant shall provide a noise mitigation analysis 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.

Manatee County noise level criteria for residential properties

MANATEE COUNTY NOISE STIPULATION*
No residential dwelling units shall be allowed in areas where the exterior noise level is; Ldn > 65 dBA: Leq design hour > 65 dBA: or L10 design Hour > 68 dBA Unless protected by some performance equivalent measure to achieve; Ldn 65 dBA, Leq design hour 65 dBA, or L10 design Hour 68 dBA
NOISE REDUCTION REQUIRED*

Sound attenuating barriers should be provided between the residential units and the noise source.

Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.

Buildings shall be positioned to maximize the distance between the residential units and the noise source.

* For more detailed information see "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

Non-Residential Component:

16. Non-residential uses shall be limited to 79,239 square feet as follows:

Retail Area # 1 – 52,829 square feet

Retail Area # 2 – 21,910 square feet*

Retail Area # 3 – 4,500 square feet

*In addition a 4,493 square foot day care is permitted

All square footage above include canopy area.

17. Uses for the commercial and retail component shall be limited to:

Neighborhood Convenience Retail Sales,

Neighborhood General Retail Sales (limited to 3,000 sq. ft.)

Eating Establishments (including drive-throughs)

Banks (including drive-throughs)

Service Stations

Gas Pumps

Car Washes, incidental

Offices

Professional Offices

Clinics

Veterinary Clinics

Dry Cleaners (Neighborhood and Pick-Up only)

Food Catering

Funeral Chapel/Home

Printing (Small only)

Personal Service Establishments

Motor Vehicle Repair (Neighborhood Serving only)

Day Cares (Small, Medium, Large)

All retail and commercial uses shall meet the applicable requirements of LDC Section

704, Conditional Use Criteria, at time of Final Site Plan Approval.

18. Setbacks for non-residential uses shall be 50' from thoroughfares, 20' from local roads, and 15' from rear and side property lines.
19. All exterior facades of each building shall be considered primary facades and shall employ architectural and design elements which are integrated with and common to those used on the primary structure, including color, in accordance with LDC Section 604.10.6.8.
20. Service stations, convenience stores with gas pumps, and other drive-through facilities shall integrate any canopy with the main structure and include the following design criteria:
 - a. Drive-through windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
 - b. No accessory building, gasoline pump, tank, vent, pump island, or pump island canopy shall be within 35 feet of any property line.
 - c. All drive-through facilities shall provide a by-pass lane or safe means of egress around drive-through lanes, to be determined with the Final Site Plan.
21. All roof mounted HVAC and mechanical equipment shall be screened from view from surrounding residential property and rights-of-way. Screening shall be provided by materials consistent with the construction of the exterior finish materials of the buildings.
22. Loading areas, dumpsters, and compactors shall not be in a front yard. Trash and garbage receptacles shall be screened with materials similar to the adjacent building façade.
23. All signs for the non-residential shall be in accordance with LDC 604.10.5 and LDC 724.14. All outparcels and buildings shall demonstrate compliance with the requirements of LDC Section 724.14, North Central Overlay, at time of FSP.
24. No retail sales display areas or outside storage shall be permitted outside any building.
25. Overnight parking of semi-trucks or trailers is prohibited.
26. 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.
27. Bicycle parking facilities with the inverted "U" style rack shall be provided for all non-residential parcels. These racks shall be conveniently located near and in clear view of entrances to primary structures.

28. Exhaust and other filtering systems in restaurants shall adhere to the Best Available Control Technology to eliminate or reduce the emission of smoke, grease, and odor from cooking facilities. These systems shall be approved by the County with each Final Site Plan for an “eating establishment” or at time of issuance of a Building Permit to establish a restaurant use.

B. TRANSPORTATION CONDITIONS:

1. All traffic concurrency-related transportation improvements and required traffic safety and operational improvements shall be shown on the Final Site Plan(s) and Construction Plan(s).
2. At the time of Final Site Plan and Construction Plan approval, the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4, as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.
3. All streets shall be public as shown on the Preliminary Site Plan.
4. An inter-neighborhood tie, as shown on the Preliminary Site Plan, shall be provided in Phase VI to provide a connection to the south. The location of the tie shall be approved by Public Works and Planning Departments with the FSP.
5. At time of Final Site Plan approval, any phase of this project containing more than one hundred (100) dwelling units shall have a constructed second means of access (street) in accordance with Section 712.2.8.
6. No cul-de-sac shall extend over 800 feet.
7. All inter-neighborhood ties shall be paved up to the property line and either a paved or shell cul-de-sac (meeting Public Works Standards) shall be provided. If the ties do not connect to existing road, bollards shall be placed at the end of the ties, with a sign stating a road connection will be made in the future. The road designs must be reviewed and approved with the Final Site Plan and Construction Plans.
8. All improvements to SR 62 shall require FDOT approval and all improvements to Manatee County roadways shall require approval of Public Works.
9. Prior to or in conjunction with each Final Plat approval containing or adjacent to Spencer Parrish Road, the developer shall dedicate the portion of the right-of- way for Spencer Parrish Road within such plat.
10. The driveway providing temporary access to SR62 via Court D shall be closed within 60 days of Phase I development gaining access to SR 62, through the Governor's Preserve site to the west, via an inter-neighborhood tie. Also, pavement of the closed section shall be removed with subsequent next phase.

11. Prior to approval of a Final Site Plan, or if no Final Site Plan is required, Construction Plans, the Applicant shall satisfy transportation concurrency requirements by complying with any one of the following agreed upon options:

- (a) The capacity related transportation improvements (the "Transportation Improvements") required pursuant to an approved traffic study for this project shall be constructed, bonded, or funded in accordance with Manatee County requirements; or

- (b) Subject to the discretion of the County to schedule and fund one or more of the Transportation Improvements in the County's C.I.E., the applicant and the County may enter into a binding proportionate fair-share mitigation agreement ("PFSMA") pursuant to Section 511 of the LDC and Section 163.3180, Florida Statutes, or a binding local government development agreement ("LDA") pursuant to chapter 10 of the LDC and Section 163.3220, et seq., Florida Statutes, wherein the applicant shall agree to pay the project's calculated proportionate fair-share amount for one or more of the transportation improvements, which will be deemed to significantly benefit the impacted transportation system and thereby satisfy the project's transportation concurrency requirement; or

- (c) The applicant may participate in a broader solution to the transportation concurrency needs in the area, which will require agreed-upon mechanisms for the finance and construction of such improvements. Under this option, transportation concurrency shall be satisfied only when the County and the applicant have, in the context of discussion with other developers in the area, determined the improvements necessary to support the impacts of the project, and the method of financing and constructing such improvements. Such required improvements, and the mechanisms for financing and constructing them, may be established pursuant to a LDA or other appropriate instrument, an amendment to this Development Order, amendments to the Land Development Code or Comprehensive Plan, or through the scheduling and funding of such improvements by the County in accordance with applicable law.

C. INFRASTRUCTURE CONDITIONS:

1. The water distribution system shall be designed and constructed to provide for internal looping and external looping (i.e. stub-outs to adjacent developments or to transmission lines that allow water to flow through the development's distribution system). It is anticipated that Phases 1 and 2 will be constructed concurrently to provide the work force housing element. Phased construction of the water distribution system for the remaining phases shall progress in a manner such that subsequent phases shall not commence until eighty (80) percent of the current phase is occupied in order to maintain a water age in the system of less than 7 days. Developer may propose alternative methods to maintain water quality, for approval by the County, to allow for the construction of subsequent phases prior to 80 percent occupancy being achieved. If during the phasing of the development, dead end conditions arise such that flushing is required in order to maintain an acceptable (as determined by County) chlorine residual, the developer, at the developer cost, shall construct automatic flushing devices as approved by the County and shall meter and pay for water utilized for flushing. The

obligation to pay for water utilized for flushing shall cease upon reaching build out of the development.

Prior to approval of the Final Site Plan for Phase VI, the developer and Manatee County shall enter into an Agreement whereby the developer agrees to transfer to Manatee County consumptive use rights for 20,000 gallons per day. The transfer shall be at no cost to Manatee County and shall be subject to the approval of SWFWMD.

2. The project shall be connected to the Manatee County Wastewater Collection system. The point of connection shall be at the proposed booster station at 121st Avenue East and Erie Road. If this station is not operational at the time of development, the point of connection shall be to the existing 16 inch line at 113th Avenue East and Erie Road or such other location as may be acceptable to the project engineer and Manatee County. Should the County determine that there is a public benefit to creating additional capacity in the line from this development to the point of connection, the developer shall enter into a reimbursement agreement in which the County will agree to reimburse the developer for the cost of additional materials necessary to oversize the line.
3. The project shall be connected to the Manatee County potable water system. The County's long range plans for water distribution contemplate a major transmission line in the vicinity of, and possibly transecting this site. Prior to Construction Plan approval, should the County determine that such a line is appropriate within this development, the developer shall coordinate with Manatee County Public Works for the design to facilitate such transmission line. Any costs of changes or upsizing shall be paid by the County pursuant to a reimbursement agreement. The developer shall enter into a reimbursement agreement in which the County will agree to reimburse the developer for the cost of additional materials directly relating to upsizing the line, up to the maximum specified in the agreement.
4. 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; (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, including those on individual lots.
5. Five (5) foot sidewalks shall be provided on both sides of all streets, except in the locations shown on the Preliminary Site Plan where sidewalks are shown on one side of the street, including drive aisles in multi-family areas. This shall be shown on the Final Site Plan and Construction Plans.

D. STORMWATER CONDITIONS:

1. The developer shall provide a drainage easement to Manatee County to accept stormwater for one-half of the future State Road 62 widening to six (6) lanes that is immediately adjacent to the site. The developer shall design and construct the

stormwater capacity for one-half of the future six (6) lane divided roadway within the project frontage and such design and construction shall be included in the SWFWMD permit documentation.

2. The developer shall provide a drainage easement to Manatee County to accept stormwater for the Spencer-Parrish Road and State Road 62 Intersection improvements generated by this project. The developer shall design and construct the stormwater capacity for the intersection improvements and such design and construction shall be included in the SWFWMD permit documentation.
3. The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the Spencer-Parrish Road widening to four (4) lanes that is immediately adjacent to the site. The developer shall design and construct the stormwater capacity for that portion of the future four (4) lanes divided roadway within the site and such design and construction shall be included in the SWFWMD permit documentation.
4. The drainage model shall be a stormwater management model that reflects existing conditions of the within the larger main watershed. The existing condition shall be modeled by AD-ICPR, reflecting existing storage and staging in wetlands, ground depressions, and drainage ditches as individual nodes. This model shall be modified to reflect the proposed condition. The objective is to see one model for existing conditions that is also used for post development condition, for comparison of the true high-water stages, storage, and flow rates under each condition. Extra attention needs to be given to drainage to and from off-site areas.
5. Any fill within the 25-year or 100-year floodplains of the Gamble Creek shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
6. There shall be a full 25-year attenuation on all stormwater ponds within the development.
7. The existing 25-year flood elevation along the Gamble Creek shall be utilized as tailwater condition.
8. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Gamble Creek. Modeling shall be used to determine pre- and post- development flows.
9. Existing storage volume in existing wetlands or drainage ditches that are proposed to be permanently impacted shall be compensated with equal or greater volume in the proposed stormwater retention pond.
10. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this

project taking into consideration all wetland storage and ground depressions.

11. 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.
12. Flowage Easements shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plat along all natural drainage systems which convey public road drainage within the project boundaries. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

E. BUFFERS:

1. At time of Final Site Plan approvals, all perimeter buffers adjacent to active agriculture shall be a minimum of 35' wide. At time of Final Plat approval, if active agriculture is no longer present, the buffers may be reduced to 20'.
2. 20' roadway buffers shall be provided for all non-residential uses (commercial and recreation areas) abutting all local roadways. Plantings shall be in compliance with LDC Sections 604.10 and 715, whichever is more restrictive.
3. A minimum 10' wide landscape buffer shall be provided along the north and south sides of the residential portion of Boulevard "K". A minimum 20' buffer shall be provided near the commercial portion of Boulevard "K". The buffers shall be planted with 3 canopy trees (3" caliper, 12' height, and 5' spread) and six understory trees (2' caliper, 6' height, and 3' spread), and 33 evergreen shrubs per one hundred linear feet of buffer. Stormwater ponds may encroach into this buffer, depending on amount and location. The Planning Department shall approve the buffers with the Final Site Plan.
4. No lots shall be platted through any required roadway, perimeter, or wetland buffer.
5. Existing native vegetation within required landscape buffers shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation, with the exception of limited crossings.
6. No detention or retention ponds shall be constructed within landscape buffers or greenbelts, unless otherwise permitted.
7. A 6' wall shall be provided within the perimeter buffer along the railroad. The fence or wall shall extend from the north side of Wetland "N" to the south side of the FPL easement in Phase II and from the east side of Wetland "WW" to Keen Road in Phase V. Gates shall be permitted at trail heads. Landscaping per LDC Section 604.10 may be installed on the interior of the wall in these locations only.
8. The roadway buffer along Keen Road (from the roundabout south) near single-family lots in Phase IV must be a minimum of 50 feet wide planted pursuant to Section 604.10 or 20' wide planted with 1) a double row of trees containing a combination of understory

and canopy trees (3 canopy trees, 3 understory trees and 33 shrubs per 100 linear feet) to achieve 80% opacity within three years of planting; or 2) a 6 foot high opaque wall with landscape materials (3 canopy trees and 33 shrubs per 100 linear feet) planted on the street side of the fence.

9. Landscaping shall not be installed within any drainage ditch system or drainage maintenance or access easement.
10. A 20' roadway buffer shall be provided along the west side of the "reserved future joint access" in Phase I. This shall be identified on the Final Site Plan and Final Plat.
11. Any walls or fences within roadway or perimeter buffers shall be measured from the finished grade of the adjacent roadway or lot (exclusive of any swales), whichever elevation is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.
12. A detail of the wall(s) or fence(s), showing the colors, materials, and height shall be provided with the Final Site Plan.

F. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
2. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas shall be dedicated to the County prior to or concurrent with Final Plat approval.
3. No lots shall be platted through post-development wetlands, wetland buffers, or upland preservation areas.
4. There is a Bald Eagle nest near this project. Final Site Plans shall be designed in accordance with the "Bald Eagle Management Plan", as adopted April 2008 by the Florida Fish and Wildlife Conservation Commission, or copies of applicable permits shall be provided to EPD staff for review prior to Final Site Plan approval.
5. This site is known to contain Gopher Tortoises. 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. Any required management plans or permits 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.
6. The Final Site Plan shall identify wildlife connections between preservation areas severed by roadway construction. Oversized culverts, rumble strips, or wildlife crossing signage may be required for wildlife connections and shall be approved with the Final Site Plan.

7. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
8. Tree barricades for trees to be preserved shall be 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 barricades shall remain undisturbed. The following activities are prohibited within the barricades 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.
9. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 519 of the LDC.
10. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

G. RECREATIONAL:

1. Prior to Final Plat approval for Phases II, III, IV, V, and VI, a Final Site Plan for each recreation area within such phase shall be approved, as identified on Sheet 1A of the Preliminary Site Plan. Final Site Plans for residential areas may include the recreation areas so long as the required FSP detail is provided.
2. The parks (amenity centers, pocket parks, trails, etc.) shall be built in substantial conformance with the Preliminary Site Plan (including size and amenities listed and identified). The Planning Director may approve minor revisions with Final Site Plans.
3. The areas shown as "future trail head accesses" on the Preliminary Site Plan shall be labeled as trail head access on the Final Site Plan. The trails to the trail heads shall be paved or concrete with signs to identify the trail location.
4. At time of each Final Site Plan, materials for trail surfaces shall be approved by the Planning Department, Stormwater Management, and the Parks Department.
5. All pedestrian walkways between lots shall be within common open space at least 10 feet wide. The walkways shall have 5 foot wide paved surfaces.

H. NOTICES

1. The Notice to Buyers 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, and shall include language informing prospective homeowners in the project of:
 - a. The location of the inter-neighborhood ties and the potential for future traffic through the subdivision;
 - b. The location and timing for removal and construction of the temporary and reserved access points along the east side of the project in Phase I which provide connection to SR 62 (clearly identifying which lots may be impacted);
 - c. Spencer Parrish and Keen Roads are planned as 4 lane thoroughfare roadways and SR 62 is planned as a 6 lane thoroughfare roadway ;
 - d. Potential for increased noise associated with future road widening;
 - e. The existing railroad and the FPL easement near and through the site;
 - f. The fact that the railroad may be developed in the future to provide light rail passenger service and residents may experience increased noise impacts from this rail line;
 - g. The potential for the future rail and trail system, and location for potential future parking for light rail system; and
 - h. The potential uses associated with surrounding agriculture zoning which may have a negative impact on residences (e.g., noise and odor).

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project: 1) exceeding a gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category; 2) exceeding a net density of 3 dwelling units per acre in UF-3 FLUC; 3) exceeding 30,000 square feet of non-residential uses in the UF-3 FLUC; and 4) a mixed use project This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for alternatives to Sections 604.10.3.5(1), 710.1.5.2, 715.3.2.C.1.A, and 907.9.4.1 of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

Section 4. 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 classification of the property identified in Exhibit "A" herein from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) zoning district, retaining the North Central Overlay, 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 Official Zoning Atlas.

Section 5. 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, clause, sentence, 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 6. 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 7. 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 February, 2009.

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

BY: 
Dr. Gwendolyn Y. Brown, Chairman

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

BY: 
Deputy Clerk



LEGAL DESCRIPTION
EXHIBIT "A"

COMMENCE AT THE NORTHWEST CORNER OF THE EAST 1/2 OF THE
SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 33 SOUTH,
RANGE 19 EAST, MANATEE COUNTY, FLORIDA; THENCE S86°10'00"E, ALONG THE
NORTH LINE OF THE SAID EAST 1/2, A DISTANCE OF 617.98 FEET FOR A POINT OF
BEGINNING; THENCE CONTINUE S86°10'00"E, ALONG SAID NORTH LINE, A
DISTANCE OF 46.58 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF
THE SOUTHWEST 1/4 OF SECTION 21; THENCE S00°42'44"E, ALONG THE EAST LINE
OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 1211.11
FEET TO ITS INTERSECTION WITH THE MONUMENTED NORTH RIGHT-OF-WAY
LINE OF STATE ROAD NUMBER 62; THENCE N88°38'44"W, ALONG SAID
MONUMENTED NORTH LINE, A DISTANCE OF 57.86 FEET; THENCE LEAVING SAID
MONUMENTED NORTH LINE, GO N00°10'21"W, 1212.77 FEET TO THE POINT OF
BEGINNING.
CONTAINING 1.45 ACRES, MORE OR LESS.

PARCEL 1:

DESCRIPTION: That part of the South 660.00 feet of Section 16, Township 33 South, Range 19 East, Manatee County, Florida, lying South and East of C.S.X. Transportation Incorporated railroad right-of-way (formerly Seaboard Airline Railroad);

TOGETHER WITH: That part of the Northwest 1/4, lying South and East of C.S.X. Transportation Incorporated railroad right-of-way (formerly Seaboard Airline Railroad); the Northeast 1/4, and; the Southeast 1/4 of Section 21, Township 33 South, Range 19 East, Manatee County, Florida, LESS right-of-way for State Road 62 (Parrish - Wachula Road);

TOGETHER WITH: That part of the West 1/2 of the Northwest 1/4 of Section 22, Township 33 South, Range 19 East, Manatee County, Florida.

PARCEL 2:

DESCRIPTION: That part of the Southwest 1/4 and the Southeast 1/4 of Section 16, Township 33 South, Range 19 East, Manatee County, Florida, lying South and East of C.S.X. Transportation Incorporated railroad right-of-way (formerly Seaboard Airline Railroad), LESS the South 660.00 feet of said Section 16;

TOGETHER WITH: That part of the East 1/2 of the Northwest 1/4, lying South and East of C.S.X. Transportation Incorporated railroad right-of-way (formerly Seaboard Airline Railroad); the Southwest 1/4, and; the North 1/2 of the Southeast 1/4 of Section 15, Township 33 South, Range 19 East, Manatee County, Florida;

TOGETHER WITH: The North 1/2 of the Southwest 1/4, and the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 33 South, Range 19 East, Manatee County, Florida.

CONE PARCEL (Overall)

DESCRIPTION (Taken from Attorneys' Title Insurance Fund, Inc. Commitment for Title Insurance, Commitment No. CF-1416297, dated July 23, 2004):

N 1/2 of SW 1/4, SE 1/4 of SW 1/4 of Section 14, Township 33 South, Range 19 East, of Manatee County, Florida;

That part of the NE 1/4 of NW 1/4, lying South and East of Railroad, SE 1/4 of NW 1/4, SW 1/4, N 1/2 of SE 1/4 of Section 15, Township 33 South, Range 19 East;

All East and South of Railroad, less that part of the NE 1/4 lying South and East of Seaboard Air Line Railroad, Section 16, Township 33 South, Range 19 East;

N 1/2, less that part of N 1/2 lying North and West of right-of-way of railroad, SE 1/4, Section 21, Township 33 South, Range 19 East;

W 1/2 of NW 1/4, Section 22, Township 33 South, Range 19 East, of the Public Records of Manatee County, Florida.



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 12th day of

February, 2009

R.B. SHORE
Clerk of Circuit Court

By: *[Signature]* D.C.



FILED FOR RECORD
R. B. SHORE

2009 FEB 23 PM 1:31

FLORIDA DEPARTMENT of STATE

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

February 16, 2009

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 12, 2009 and certified copies of Manatee County Ordinance Nos. PDC-07-22(Z)(P), 09-07, 09-09, PDMU-06-102(Z)(P), PDR-05-02(P), PDMU-06-22(Z)(P) and PDR-05-49(Z)(P), which were filed in this office on February 16, 2009.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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