

**MANATEE COUNTY ZONING ORDINANCE
PDMU-06-80(G) – LAKEWOOD RANCH COMMERCE PARK**

2007 OCT 22 AM 8:34

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT,
APPROVING A GENERAL DEVELOPMENT PLAN FOR 127,000 SQUARE
FEET OF COMMERCIAL USES, 300,000 SQUARE FEET OF OFFICE AND
300,000 SQUARE FEET OF INDUSTRIAL USES ON 56 INDIVIDUAL LOTS ON
APPROXIMATELY 280.61 ACRES SOUTH OF THE SR 64 AND LAKEWOOD
RANCH BOULEVARD INTERSECTION, EXTENDING ± 6,000 FT. SOUTH OF
SR 64 ON THE EAST SIDE OF LAKEWOOD RANCH BOULEVARD AND ±
1,500 FEET SOUTH OF SR 64 ON THE WEST SIDE OF LAKEWOOD RANCH
BOULEVARD; SUBJECT TO STIPULATIONS AS CONDITIONS OF
APPROVAL; SETTING FORTH FINDINGS; PROVIDING A
DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN
EFFECTIVE DATE.

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WHEREAS, Lakewood Ranch Commerce Park, Inc. (the "Applicant") has filed an application for a General Development Plan for approximately 280.61 acres described in Exhibit "A", attached hereto, (the "Property") for 127,000 square feet of commercial uses, 300,000 square feet of office, and 300,000 square feet of industrial uses on 56 individual lots; and

WHEREAS, the Applicant has also requested Special Approval for: 1) Mixed Use Development; 2) Commercial uses in excess of 3,000 sq. ft in an IL FLUC; 3) Commercial uses in excess of 50,000 square feet in R/O/R FLUC; and 4) a project adjacent to a Perennial Stream, and

WHEREAS, the Applicant has also requested Specific Approval for an alternative to Section 907.9.4 of the Land Development Code; and

WHEREAS, Planning Department staff recommended approval of the General Development Plan, Special Approval, and Specific Approval applications, subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held public hearings on August 9, 2007 and September 13, 2007 to consider the Preliminary Site Plan application, received the staff's 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 General Development Plan, Special Approval, and Specific Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval of the application, 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, 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 a Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held duly noticed public hearings on September 6, 2007 and September 27, 2007 regarding the proposed 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 General Development 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.

D. Notwithstanding the failure of the site plan to meet the requirements of LDC Section 907.9.4, the Board finds that the purpose and intent of the LDC Regulations have been satisfied to an equivalent degree because of the provision of a stipulation that will require subsequent submittals to show turn outs or other means for emergency vehicles to turn around.

E. The Board hereby finds that the Project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for 127,000 square feet of commercial uses, 300,000 square feet of office, and 300,000 square feet of industrial uses on 56 individual lots, with the following Stipulations:

STIPULATIONS

1. All subdivision names and phasing shall be consistent with the phasing criteria in Land Development Code Chapter 9.
2. Cross access easements for commercial subdivisions shall be clearly indicated on all Preliminary Plats and Final Site Plans.
3. The maximum height for commercial structures shall be limited to 35 feet. The maximum height for industrial structures shall be limited to 45 feet.
4. The applicant shall provide, with each Preliminary or Final Site Plan submittal, an open space calculation for the lot and overall project. This shall be kept up to date with each submittal. The minimum amount of open space to be provided is 25 percent for office and industrial and 20 percent for commercial.

5. The applicant shall provide a minimum 5 ft. sidewalk along their frontage on both SR 64 and Lakewood Ranch Blvd. Interior pedestrian systems shall be shown on the master Preliminary Site Plan to be submitted.
6. The applicant shall submit a running total of all square footage and acreage figures with each Site Plan submittal.
7. Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block and corrugated metal shall not be permitted. 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. Building elevations shall be submitted prior to Final Site Plan approval.
8. Service stations, convenience stores with gas pumps, and other drive-thru facilities shall integrate any canopy with the main structure and include the following design criteria:
 - a. Drive-thru windows shall incorporate coverings for service windows that are structurally and architecturally integrated into the design of the buildings.
 - b. No main or accessory building, gasoline pump, tank, vent, pump island, or pump island canopy shall be located within 35 feet of any property line.
 - c. All drive-thru facilities shall provide a by-pass lane or safe means of egress around drive-through lanes to be determined by the Planning Director with the Preliminary or Final Site Plans.
9. A coordinated sign plan for the development shall be approved by the Planning Department prior to the first Final Site Plan approval. Ground signs shall be utilized for all development parcels. Freestanding ground signs shall be limited to one per frontage per Code. Ground signs shall include decorative elements reflective of the finish building materials, colors, and architectural details consistent with the development parcel.
10. All roof mounted H.V.A.C. equipment, loading zones, and dumpsters shall be screened from view of SR 64, Lakewood Ranch Blvd. and surrounding properties. Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials consistent with the standards of the Entranceway. Details of screening shall be submitted prior to Final Site Plan approval. All loading zones near internal roadways shall be screened with an 8' high decorative wall with landscaping. The 8' wall shall also include decorative elements reflective of the finish building materials, colors, and architectural details of the main structure.
11. All deliveries and truck loading and unloading shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. for commercial parcels.
12. Land uses on individual lots shall be limited to the uses allowed by their underlying

Future Land Use Categories. (Original Stipulation) No commercial buildings over 30,000 square feet in size shall be allowed on lots in the IL Future Land Use Category.

13. The following uses proposed on the General Development Plan shall be prohibited within this project:

Heliports	Lattice Tower 400 ft. max height
Helistops	Bus/RR Maintenance Facility
Correctional Facilities	Agricultural Products Processing
Stockyards & Feedlots	

14. Should the Specific Approval request to exceed 800 ft. in length for dead end roads be approved, the applicant shall clearly show on future site plan and plat submittals that there is adequate turning space for emergency vehicles.

ENVIRONMENTAL

15. Prior to the Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (e.g., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.
16. To the maximum extent possible, existing indigenous vegetation shall remain within the required landscape buffers.
17. All nuisance exotic species shall be removed from the upland portions of the site prior to issuance of a Certificate of Occupancy for each phase of this project.
18. Final Site Plans, Construction Plans, Environmental Resource Permit, and NPDES permit approvals must be obtained prior to submittal of the Erosion & Sedimentation Control Plan. Construction or land clearing is not authorized until an ESCP has been approved by the Planning Department and all required meetings have been completed.
19. Unless otherwise approved by the Planning Department, native or drought tolerant species shall be utilized in the landscaping materials. At least 3 different tree species shall be used with no one species comprising more than 40% of the total number of required trees throughout the project.
20. 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) reclaimed water, (2) treated stormwater; (3) non-potable quality groundwater. Prior to 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.
21. Any significant historical or archaeological resources discovered during development

activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.

22. A Wetland Impact Review shall be submitted to the Planning Department concurrently with each Preliminary Site Plan. Minimization and avoidance of wetland impacts shall be demonstrated, and mitigation for wetland impacts be provided in accordance with Section 719 of the Land Development Code.

STORMWATER

23. The existing 25-year flood elevation along the Gates Creek shall be utilized as tailwater condition and shown on the Final Site Plan and Construction Drawings.
24. Any fill within the 25-year or 100-year floodplains of the Gates 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).
25. The applicant shall be responsible for any on-site or off-site transportation capacity improvements required as a condition of a CLOS for this project.
26. The applicant shall be responsible for all on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Traffic Study and Transportation Department in accordance with LDC Section 722.1.3.4.
27. Developer shall work with Manatee County Area Transit (MCAT) on identifying a potential transit stop(s) within the project. At such time that MCAT has established a plan for service to the project and coordinated needed location(s) for a transit stop with Developer, Developer shall accommodate the requisite stop(s) within the project.
28. A perimeter buffer along the south property line shall be a minimum of 10' in width and landscaped in accordance with Land Development Code Section 715.
29. The road identified as Gatewood Drive is shown as a local road if this changes, the site plan does not need to be amended to provide access to the parcels fronting on that drive.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for: 1) Mixed Use Development; 2) Commercial uses in excess of 3,000 square feet in an IL FLUS; 3) Commercial uses in excess of 50,000 square feet in R/O/R FLUC; and 4) a project adjacent to a Perennial Stream. This Special Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2

hereof. Specific Approval is hereby granted for an alternative to Section 907.9.4 of the Land Development Code.

Section 4. 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 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 27th day of September, 2007.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: *Guy Stein*
Chairman

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

BY: *Russell Shore*
Deputy Clerk



EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 34S., RANGE 19 E., FOR A POINT OF BEGINNING; THENCE N 89°35'40" W, ALONG THE NORTHERLY LINE OF SAID SECTION 31, SAME BEING THE SOUTHERLY LINE OF SAID SECTION 30, A DISTANCE OF 1578.04 FT. TO THE INTERSECTION WITH THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE "MANATEE COUNTY LANDFILL"; THENCE S 00° 15' 13" W, ALONG SAID "MANATEE COUNTY LANDFILL LINE", 1566.55 FT.; THENCE S 89° 34' 44" E, ALONG SAID "MANATEE COUNTY LANDFILL LINE", 1389.83 FT.; THENCE S 00° 16' 06" W, ALONG SAID "MANATEE COUNTY LANDFILL LINE", 1201.71 FT.; THENCE S 74°48'59" E, A DISTANCE OF 237.28 FT. TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF "LAKEWOOD RANCH BOULEVARD" (A 120 FT. WIDE PUBLIC RIGHT-OF-WAY), SAME BEING A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S 74° 48' 59" E, 1940.00 FT.; THENCE RUN SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY OF SAID "LAKEWOOD RANCH BOULEVARD" AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 39°29'05", A DISTANCE OF 1336.93 FT. TO THE P.T. OF SAID CURVE; THENCE S 24°18'04"E, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 529.71 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF SECTION 5, TOWNSHIP 35 S., RANGE 19 E., SAME BEING THE EASTERLY LIE OF SECTION 6, TOWNSHIP 35 S., RANGE 19 E., SAID POINT LYING S 00°16'06" W, 1553.22 FT. FROM THE NORTHWEST CORNER OF SAID SECTION 5 AND THE NORTHEAST CORNER OF SAID SECTION 6; THENCE CONTINUE S 24°18'04" E, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 729.92 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 2060.00 FT.; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 29°45'33", 1069.96 FT.; THENCE N 61°02'42" E, LEAVING SAID EASTERLY RIGHT-OF-WAY, 2088.67 FT.; THENCE N 4°17'16" W, 840.19 FT.; THENCE N 20°19'58" W, 1184.94 FT.; THENCE N 16°21'47" W, A DISTANCE OF 320.17 FT. TO THE INTERSECTION WITH THE NORTHERLY LINE OF SAID SECTION 5, SAME BEING THE SOUTHERLY LINE OF SAID SECTION 32, SAID POINT LYING S 89°19'56" E, 1584.70 FT. FROM THE NORTHWEST CORNER OF SAID SECTION 5; THENCE CONTINUE N 16°21'47" W, 679.83 FT.; THENCE N 28°41'33" W, 600.00 FT.; THENCE N 10°04'31" W, 274.45 FT.; THENCE N 20°42'52" W, 1101.03 FT.; THENCE N 27°29'58" E, 330.00 FT.; THENCE N 00°36'37" E, 272.82 FT.; THENCE N 70°02'17" E, A DISTANCE OF 77.35 FT. TO THE INTERSECTION WITH THE NORTHERLY LINE OF AFORESAID SECTION 32, SAME BEING THE SOUTHERLY LINE OF ARORESAID SECTION 29; THENCE S 89°23'23" E, ALONG THE SECTION LINE COMMON TO SAID SECTIONS 29 AND 32, 247.75 FT.; THENCE N 01°14'16" W, A DISTANCE OF 219.78 FT. TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 64 AS SHOWN ON F.D.O.T. RIGHT-OF-WAY MAPS SECTION 1305-250; THENCE N 87°45'26" W, ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID STATE ROAD NO. 64, 1023.08 FT.; THENCE N 87°58'31" W, ALONG SAID SOUTHERLY RIGHT-OF-WAY, 37.69 FT.; THENCE S 00°38'37" W, LEAVING SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 249.77 FT. TO

THE INTERSECTION WITH THE SOUTHERLY LINE OF AFORESAID SECTION 29, SAME BEIGN THE NORTHERLY LINE OF AFORESAID SECTION 32; THENCE N 89°23'23" W, ALONG THE SECTION LINE COMMON TO SAID SECTIONS 29 AND 32, A DISTANCE OF 433.44 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 29, 1 AND 32, TOWNSHIP 34 S., RANGE 19 E. AND SECTIONS 5 AND 6, TOWNSHIP 35 S., RANGE 19 E., MANATEE COUNTY, FLORIDA.

LESS:

THAT PART OF LAKEWOOD RANCH BOULEVARD AS DECRIBED AND RECORDED IN O.R. BOOK 1429, PAGE 3703, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING WITHIN THE ABOVE DESCRIBED PARCEL.

LESS:

THOSE CERTAIN PARCELS OF LAND KNOWN AS POND 7, POND 8, POND 9 AND MITIGATION SITE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1540, PAGE 7900, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

CONTAINING A NET OF 280.61 ACRES MORE OR LESS.



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 3rd day of October, 2007

R.B. SHORE
Clerk of Circuit Court

By [Signature] D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

October 11, 2007

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

FILED FOR RECORD
R. B. SHORE

2007 OCT 22 AM 8:34

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

Attention: 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 October 3, 2007 and certified copies of Manatee County Ordinance Nos. 07-66, PDR-06-71(P), PDC-05-40(P)(R), PDMU-99-02(P), PDMU-97-05(P)(R3), Z-06-14, 07-30, Z-06-16, Z-07-01, Z-07-10, PDR-06-10(Z)(P), PDMU-06-80(G) and PDR-06-08(Z)(P) which were filed in this office on October 8, 2007.

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

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

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