MANATEE COUNTY ORDINANCE NO. PDMU-05-19(G)(R5) NORTHWEST SECTOR

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, DEVELOPMENT, REGARDING LAND **AMENDING** ORDINANCE PDMU-05-19(G)(R4) **PERTAINING** STIPULATIONS OF APPROVAL REGARDING A SITE GENERALLY LOCATED EAST OF LAKEWOOD RANCH BOULEVARD, SOUTH OF 44TH AVENUE EAST EXTENSION. WEST OF LORRAINE ROAD, AND NORTH OF SR 70 (±1,518.9 ACRES); PROVIDING FOR AMENDMENT OF CONDITIONS OF APPROVAL TO UPDATE THE PHASING TABLE TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS, TO UPDATE THE EXPIRATION DATE FOR THE CERTIFICATE OF LEVEL OF SERVICE, AND TO ALLOW REAR YARD AND WATERFRONT SETBACK REDUCTION FOR ACCESSORY STRUCTURES ON RESIDENTIAL LOTS EAST OF POPE ROAD; SETTING FORTH FINDINGS: PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

2012 MAY ILL PM 3: 16

LINEATTENT OF STATE
TAIL SHAKE F. FLORIDA

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

SECTION 1. Ordinance PDMU-05-19(G)(R4) is hereby amended regarding certain stipulations to allow for specific rear yard and waterfront setbacks for accessory structures of a limited size on residential parcels located east of Pope Road, to update the expiration date for the Certificate of Level of Service and the phasing table to reflect legislatively approved extensions, along with revisions for internal consistency. All stipulations not hereby amended by this ordinance shall remain in full force and effect as previously approved in Ordinance PDMU-05-19(G)(R4).

SECTION 2. FINDINGS OF FACT. The Board of County Commissioners (BOCC) of Manatee County, after considering the testimony, evidence, documentation, application for Zoning Ordinance, and 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 held a duly notice public hearing on May 3, 2012, regarding the proposed amendment to the zoning ordinance and General Development Plan described below and further considered the information received at the public hearing.
- B. The revised General Development Plan and proposed amended stipulations as stated in Section 3 hereof are hereby found to be consistent with the requirements of the Manatee County Comprehensive Plan.

SECTION 3. Ordinance No. PDMU-05-19(G)(R4) is hereby amended in Stipulation A, Development Approvals, Subparagraph (1) regarding Development Totals and Phase Dates, and Condition A(2) regarding the Certificate of Level of Service expiration date, and Stipulation S, Design Standards, Subparagraph (3) Residential, regarding rear yard and waterfront setbacks for accessory structures. Said amended Stipulation A(1), A(2), and S(3) shall be provided as follows:

A(1). This Zoning Ordinance shall constitute approval of the General Development Plan subject to the conditions set forth herein and limited to the development amounts set forth in Table 1, below.

TABLE1-DEVELORMENT TOTALS						
TYPE OF DEVELOPMENT: Multi-Use Development.						
Land Use	PHASE I 2007-2020 ¹	PHASE II 2009-2024 ¹	TOTAL			
Commercial	200,000 s.f.	0	200,000 s.f.			
Office	105,000 s.f.	0	105,000 s.f.			
Residential ²						
Single-family	2,650 units	1,422 units	4,072 units			
Multi-family	350 units	0	350 units			
Total Residential Units	3,000 units	1,422 units	4,422 units			

November 21st of referenced year which includes legislatively approved extensions (SB 360 and SB 1752) for Phase I and HB 7207 and F.S. 252.363 for Phases I and II.

- Includes the option for a group care facility for up to 120 beds as part of a land use exchange. The Land Use Equivalency Matrix allows the exchange of other approved land uses (single-family detached, multi-family, commercial, and office space) for Group Care Facility (a.k.a. Assisted Living Facility) beds.
- A(2). For Phase I, the Developer has demonstrated the availability of adequate infrastructure and the ability to meet Acceptable Levels of Service for roadways, mass transit, drainage, and parks and recreation. The Certificate of Level of Service for Phase I shall be valid until November 21, 2024, or as may be extended pursuant to the terms of the Northwest Sector/Lakewood Centre Local Development Agreement (LDA-10-01), subject to limitations set forth in stipulation B(3):

S(3). Residential

a. The setbacks, heights, and lot sizes for residential land uses shall be as follows:

Туре	Min. Lot Size (Sq. Ft.)	Minimum Lot Width ⁴ (Ft.)	Front Setback (Ft.) ¹	Side Setback (Ft.)	Rear Setback (Ft.)	Maximum Height (Ft.)
Single-Family Detached ^{3, 8,9}	4,950	42	25/20	64,5	15	35
Single-Family Detached ^{3, 8,9}	9,000	76	25/20	6 ^{4,5}	15	35
Single-Family Detached ^{3, 8, 9}	9,000	80	25/20	7.5 ⁶	15	35
Single-Family Attached ^{8.9}	2,500	25	25/20	0/10 ⁷	15	35
Single-Family Semi-Detached ^{8,} 9	4,950	45	25/20	0/10 ⁷	15	35
Multi-Family	NA	NA	25	15/25²	15	35
Park	NA	NA	25	15	15	35
Residential Support Uses	NA	NA	40	15	30	45

- 1. The front yard setback for all single-family residences shall be 25' to the garage portion of the structure. The remaining habitable portion of the structure may be setback 20'. The front yard setback for structures with side-loaded garages shall be 20'.
- 2. This distance is not a side yard setback but the minimum distance between buildings. A 15' separation is required between one-story buildings. A 25' separation is required between two and three story buildings.
- 3. Required setbacks are based on the dominant lot width for each subphase of development.
- 4. There shall be a minimum of ten (10) foot separation between accessory equipment (e.g. air condition units, heat pumps, pumps, etc.) and structures alongside adjoining houses with 6-foot side

yard setbacks.

- 5. Zero Lot Line alternative allows a side setback of 11'/1' (min.) with a building separation of no less than 12'.
- 6. Zero Lot Line alternative allows a side setback of 14'/1' (min.) with a building separation of no less than 15'.
- 7. Zero Lot Line alternative allows a side setback of 19'/1' (min.) with a building separation of no less than 20'.
- 8. Use of the Zero Lot Line alternative must be declared with the approval of a Preliminary Subdivision Plat and Preliminary/Final Site Plan.
- 9. The rear yard setback for accessory structures not exceeding 200 square feet and 15 feet in height to the highest point of the structure, designed for outdoor sitting and gathering, shall be five feet and the waterfront setback shall be 18 feet for all residential parcels, located east of Pope Road. Such structures shall not be located within any drainage, utility, or lake maintenance easements. Such structure may have no more than two walls enclosed with all other sides of the structure remaining unenclosed and unscreened and may not be used for storage. The design shall be consistent with the architectural design of the associated home, shall be approved by the Homeowners Association and only one such structure shall be allowed per lot.
- b. 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 location and size of future commercial and office developments in the project.
 - 2) The future extensions of 44th Avenue, Pope Road, and Center Ice Parkway as collector roadways through the project, and Malachite Drive as a major local street though the project.
 - 3) Inter-neighborhood ties, where applicable.
 - 4) Certain accessory structures designed for outdoor sitting and gathering have restrictions imposed by Manatee County that limit such structures to one structure of no more than 200 square feet and no more than 15 feet in height to the highest point of the structures, per lot, and which may have no permanent enclosure on two of the four walls.

SECTION 4. Except as expressly amended herein, all other prior zoning ordinances (and any site plans approved pursuant thereto) shall remain in full force and effect.

SECTION 5. LEGAL DESCRIPTION.

Legal description of the Project is attached as Exhibit A.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect upon filing with the Department of State, State of Florida.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 3rd day of May 2012.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY:

John R. Chappie, Chairman

ATTEST: R. B. SHORE

Clerk of the Circuit Court

Deputy Clerk

EXHIBITS:

Legal Description (Exhibit A)
General Development Plan (Exhibit B)

Land Development Application Exhibit A – Legal Description NW Sector DRI

LEGAL DESCRIPTION PARCEL 1 (as prepared by the certifying Surveyor and Mapper):

A tract of land lying in Sections 7, 8, 9, 15 and 16, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the Southeast corner of Section 7. Township 35 South, Range 19 East; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet to the POINT OF BEGINNING; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears \$70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 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 N04°40'41"E, 2,619.78 feet to a point of curvature; Thence 933.27 feet along the arc of said curve to the left through a central angle of 25°57'27", said curve having a radius of 2,060.00 feet and being subtended by a chord which bears N08°18'02"W, 925.31 feet to a point of reverse curvature; Thence 83.52 feet along the arc of a curve to the right through a central angle of 95°42'23", said curve having a radius of 50.00 feet and being subtended by a chord which bears N26°34'26"E, 74.14 feet; Thence N 74°25'37"E, 50.78 feet to a point of curvature; Thence 721.56 feet along the arc of said curve to the right through a central angle of 14°53'05", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N81°52'09"E, 719.53 feet; Thence N00°41'18"W, 12.50 feet to a point on the arc of a curve; Thence 643.57 feet along the arc of said curve to the right through a central angle of 13°12'59", said curve having a radius of 2.790.00 feet and being subtended by a chord which bears S84°04'49"E, 642.15 feet to a point of reverse curvature; Thence 2,117.60 feet along the arc of a curve to the left through a central angle of 41°16'07", said curve having a radius of 2,940.00 feet and being subtended by a chord which bears N81°53'37"E, 2,072.13 feet to a point of reverse curvature. Thence 805.71 feet along the arc of a curve to the right through a central angle of 16°32'46", said curve having a radius of 2,790.00 feet and being subtended by a chord which bears N69°31'57"E, 802.91 feet; Thence S12°11'41"E, 12.50 feet to a point on the arc of a curve; Thence 633.68 feet along the arc of said curve to the right through a central angle of 13°04'19", said curve having a radius of 2,777.50 feet and being subtended by a chord which bears N84°20'29"E, 632.31 feet; Thence S89°07'21"E, 354.65 feet to a point on the arc of a curve; Thence 36.14 feet along the arc of said curve to the right

through a central angle of 41°24'35", said curve having a radius of 50.00 feet and being subtended by a chord which bears N70°10'21"E, 35.36 feet; Thence S89°07'21"E, 808.68 feet; Thence N00°52'39"E, 10.36 feet to a point on the arc of a curve; Thence 127.15 feet along the arc of said curve to the left through a central angle of 02°29'11", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N88°44'06"E, 127.14 feet to the point of reverse curvature of said curve; Thence 2,138.82 feet along the arc of said curve to the right through a central angle of 43°45'59", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears S770°37'30"E, 2,087.20 feet to the point of tangency of said curve; Thence S48°44'31"E. 1,779.99 feet to a point of curvature; Thence 1,253,44 feet along the arc of said curve to the left through a central angle of 24°30'39", said curve having a radius of 2.930.00 feet and being subtended by a chord which bears \$60°59'50"E, 1,243.90 feet to the point of tangency of said curve; Thence S00°10'39"W, 111.78 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence continue along said line S00°10'39"W, 1,324.27 feet; Thence S00°12'01"W, 1,321.71 feet; Thence S89°26'33"E, 601.98 feet; Thence S00°02'33"W, 660.46 feet; Thence S89°28'53"E, 735.80 feet; Thence S00°06'56"E, 659.98 feet; Thence N89°31'12"W, 1,343.23 feet; Thence S00°24'15"E, 1,319.40 feet; Thence S00°25'33"E, 1,253.39 feet; Thence N89°20'55"W, 129.12 feet; Thence N00°13'59"E, 756.06 feet; Thence N89°05'49"W, 353.71 feet; Thence S15°32'18"W, 181.54 feet; Thence S69°04'52"E, 191.91 feet; Thence S40°52'20"E, 174.58 feet; Thence S01°06'51"W, 127.77 feet; Thence S84°30'37"W, 241.82 feet; Thence S04°24'14"W, 231.83 feet; Thence N89°20'55"W, 644.47 feet: Thence N89°43'18"W, 1,128.10 feet; Thence N00°16'21"E, 195.76 feet; Thence N34°32'27"W, 127.88 feet; Thence N74°22'37"W, 27.04 feet; Thence N89°06'07"W, 130.35 feet; Thence N50°59'38"W, 52.87 feet; Thence N89°43'39"W, 67.72 feet; Thence S34°23'48"W, 150.71 feet; Thence N00°07'45"W, 1,045.68 feet; Thence N89°21'00"W, 672.60 feet; Thence S00°08'39"E, 1,267.67 feet; Thence N89°43'18"W, 66.35 feet; Thence N10°16'40"E, 140.44 feet; Thence N03°14'20"W, 121.92 feet; Thence N89°43'20"W, 265.15 feet: Thence N67°44'14"W, 65.42 feet: Thence N89°03'25"W, 74.89 feet; Thence South, 285.36 feet; Thence N89°43'18"W, 150.77 feet to a point of curvature; Thence 78.54 feet along the arc of said curve to the right through a central angle of 90°00'00", said curve having a radius of 50.00 feet and being subtended by a chord which bears N44°43'18"W, 70.71 feet to the point of tangency of said curve; Thence N00°16'42"E, 1,581.12 feet to a point of curvature; Thence 1,394.32 feet along the arc of said curve to the left through a central angle of 27°15'57", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N13°21'17"W, 1,381.21 feet to the point of tangency of said curve; Thence N26°59'15"W, 1,159.92 feet to a point of curvature; Thence 853.47 feet along the arc of said curve to the right through a central angle of 17°27'52", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N18°15'19"W, 850.17 feet to a point of reverse curvature; Thence 1,194.50 feet along the arc of a curve to the left through a central angle of 23°21'30", said curve having a radius of 2,930.00 feet and being subtended by a chord which bears N21°12'08"W, 1,186.24 feet to a point of reverse curvature; Thence 1,321.41 feet along the arc of a curve to the right through a central angle of 27°02'23", said curve having a radius of 2,800.00 feet and being subtended by a chord which bears N19°21'42"W, 1,309.18 feet to the POINT OF BEGINNING.

Containing 1479.6 acres, more or less. TOGETHER WITH:

LEGAL DESCRIPTION PARCEL 2 (as prepared by the certifying Surveyor and Mapper):

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

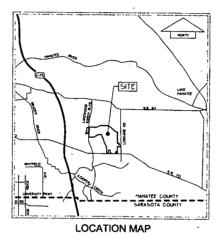
Commence at the Southeast corner of Section 7, Township 35 South, Range 19 East; thence S.89°34'35"E., a distance of 4,650.84 feet; thence N.00°25'25"E., a distance of 1,889.17 feet; Thence S82°55'49"W, 912.79 feet to a point of curvature; Thence 1,287.78 feet along the arc of said curve to the left through a central angle of 34°25'49", said curve having a radius of 2,143.00 feet and being subtended by a chord which bears S65°42'55"W, 1,268.49 feet to a point of reverse curvature; Thence 1,575.57 feet along the arc of a curve to the right through a central angle of 44°37'25", said curve having a radius of 2,023.00 feet and being subtended by a chord which bears S70°48'42"W, 1,536.04 feet to the point of tangency of said curve; Thence N86°52'35"W, 1,131.57 feet to a point of curvature; Thence 79.90 feet along the arc of said curve to the right through a central angle of 91°33'16", said curve having a radius of 50.00 feet and being subtended by a chord which bears N41°05'57"W, 71.66 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; thence along said east line of Lakewood Ranch Boulevard, N04°40'41"E, 1649.57 feet; Thence N85°19'19"W, 120.00 feet to an intersection with the west line of said Lakewood Ranch Boulevard and the POINT OF BEGINNING; Thence S86°50'17"W, 227.27 feet; Thence S40°02'37"W, 121.13 feet; Thence S28°36'43"W, 108.34 feet; Thence S43°57'34"W, 79.62 feet; Thence S56°46'06"W, 71.21 feet; Thence N22°59'39"W, 32.80 feet; Thence S59°56'00"W, 91.50 feet; Thence S54°50'36"W, 42.43 feet; Thence S21°03'16"W, 42.67 feet; Thence S64°33'59"W, 57.70 feet; Thence S78°35'00"W, 52.83 feet; Thence S26°29'07"W, 28.22 feet; Thence S72°42'09"W, 41.01 feet; Thence N88°04'14"W, 58.26 feet; Thence N63°20'21"W, 61.49 feet; Thence N77°09'41"W, 34.90 feet; Thence N87°11'33"W, 50.79 feet; Thence N88°21'13"W, 70.97 feet; Thence N59°06'15"W, 54.56 feet; Thence S87°08'17"W, 75.46 feet; Thence N27°44'24"E, 782.09 feet; Thence N08°14'34"E, 859.88 feet; Thence N04°53'06"W, 605.45 feet to a point on the arc of a curve; Thence 552.19 feet along the arc of said curve to the left through a central angle of 10°42'56", said curve having a radius of 2.952.50 feet and being subtended by a chord which bears N79°47'05"E, 551.38 feet to the point of tangency of said curve; Thence N74°25'37"E, 69.64 feet to a point of curvature; Thence 72.98 feet along the arc of said curve to the right through a central angle of 83°37'55", said curve having a radius of 50.00 feet and being subtended by a chord which bears \$63°45'26"E, 66.67 feet to a point of compound curvature; Thence 901.48 feet along the arc of said curve to the right through a central angle of 26°37'27", said curve having a radius of 1,940.00 feet and being subtended by a chord which bears S08°38'03"E, 893.39 feet; Thence S04°40'41"W, 970.22 feet to the POINT OF BEGINNING.

Containing 39.281 acres (1,711,094 square feet), more or less.

Exhibit "A"

Type	Size (Sq. Ft.)	(Pt.)	Front Setbock (Ft.)	Selbeck (FL)	Rece Settoca (FL)	(Ft.)
Single-Family Detached use	4950	42	25/20	• •	15	35.
Single-Family Detected size	9,000	76	25/20		15	72.
Single-Family Detected as	9,000,	80	25/20	7.5 .	15	25'
Single-Formey Attoched so	2,500	25	25/20	0/10 +	15	35.
Single-Family Semi-Detoched as	4.950	45	25/20	0/16 .	15	79.
Uuri-Family	NA.	NA.	23	15/25 .	15	35'
Commercial/Office Pargets B and D	7,500	144	-40	15	30	3 Steries/45
Commercial/Office Parcel Al	7,500	**	40	15	20	4 Stories/80
Commercial/Office Percel E	7,500	HA.	40	15	20	J \$1aves/45
Commercial/Office Parcel a	7,500	**	40	73	20	2 Stenes/30'
Pork	NA.	N4	25	15	15	35"
Residential Support Use	NA.	MA	40	15	30	3 Stories/45

GENERAL DEVELOPMENT PLAN NORTHWEST SECTOR DRI



SECTIONS 7, 8, 9, 15, AND 16 TWP. 35S., RGE. 19E.

> Manatee County, Florida DATE: March 2005 DATE

REVISED: MARCH 2011 DATE REVISED: August 2011 DATE

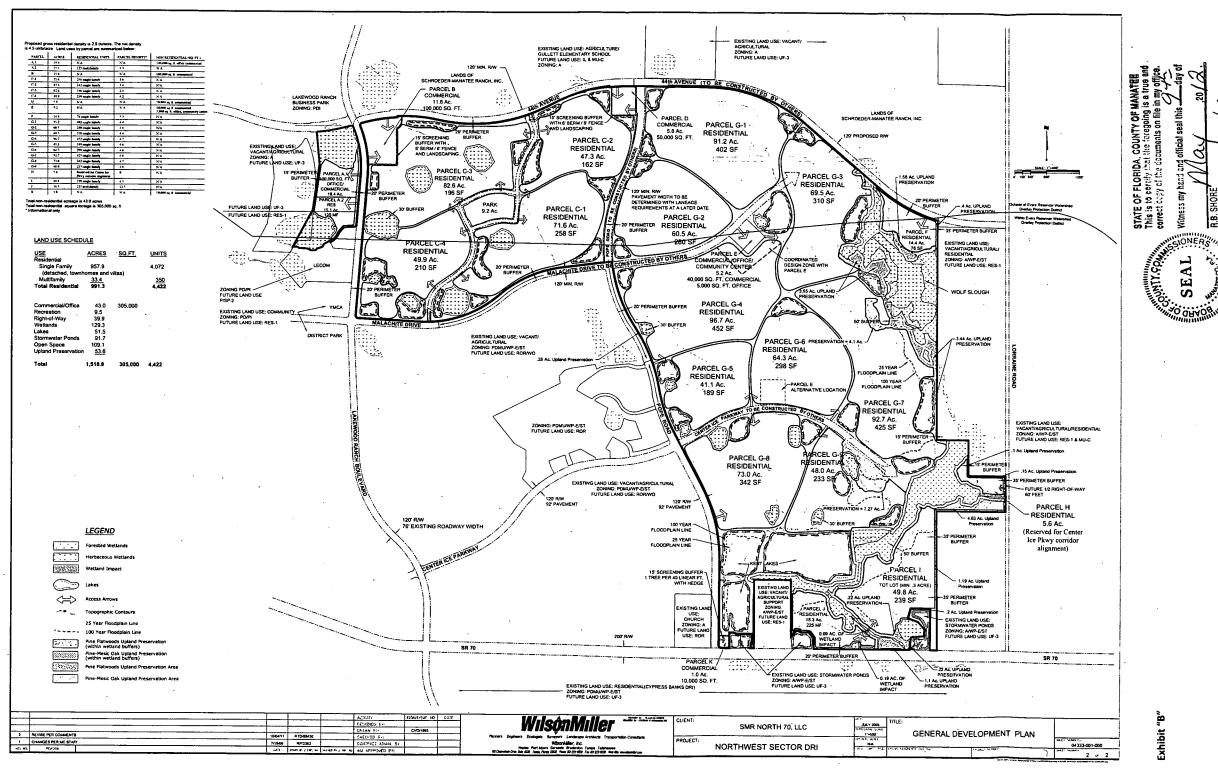
REVISED: October 2011 DATE

REVISED: MARCH 2012 REVISED: APRIL 2012

CLIENTS: SMR North 70, LLC & Resource Conservation of Manatee, LLC

Land Use	PDA* 2007 - 2011	Phase I* 2007 - 2020 *	Phase II 2009 - 2024 1	Total
Residential (dwelling units)			200	
Single Family (includes detached, attached town homes and somi-detached units)	800	2.650	1,422	4.072
Multifamily		350	•	350
Total		3,000	1,422 .	4 422
Consmercial/Office (eq. fl.)				
Commercial	150,000	200,000		200.0
Office		105,000	4	105.0
Group Care Home		4	4	-0.
Recreation (acres)			۱ ا	
Neighborhood & Pocket Parts		19.5 acres		19.5 ac

		-0.00		
HEACING PRO				
PRODUCT NAMED OF STREET				
to-compace any				
-				
-				
PROFEST				



Witness my |



RICK SCOTT

Governor

KEN DETZNER
Secretary of State

May 15, 2012

RECEIVED

Honorable R. B. "Chips" Shore Clerk of the Circuit Court Manatee County Post Office Box 25400 MAY 2 1 2012

Bradenton, Florida 34206

BOARD RECORDS

Attention: Ms. Diane E. Vollmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 9, 2012 and certified copies of Manatee County Ordinance Nos. PDMU-10-16(P)(R), 12-11 and PDMU-05-19(G)(R5), which were filed in this office on May 14, 2012.

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

Sincerely,

Liz Cloud

Program Administrator

LC/srd

Enclosure