

**MANATEE COUNTY ORDINANCE NO.
PDMU-05-19(G)(R8)
NORTHWEST SECTOR**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT AMENDING AND RESTATING ORDINANCE PDMU-05-19(G)(R7) TO APPROVE CHANGES TO THE GENERAL DEVELOPMENT PLAN AND ORDINANCE AS FOLLOWS: (1) ADD 2.3+/- ACRES TO PARCEL B AND REMOVE 2.3± ACRES FROM PARCEL C-3; (2) REVISE CONDITION S.2.i, TO CHANGE THE MAXIMUM NUMBER OF GASOLINE PUMPS FROM 6 TO 10 FOR PARCELS B, D, AND E; (3) DELETE CONDITION S.2.K.3, REGARDING A PEDESTRIAN ACCESS TO PARCEL B; (4) REALLOCATE ACREAGE TO PARCEL C-2 FROM PARCEL C-3 (2.5± ACRES); (5) REALLOCATE ACREAGE AND ENTITLEMENTS TO PARCEL B FROM PARCEL D (2.5± ACRES AND 19,650 SQUARE FEET OF COMMERCIAL SPACE); (6) REFLECT THE SATISFACTION OF TRANSPORTATION MITIGATION OF IMPACTS OF THE PROJECT THROUGH BUILDOUT; (7) UPDATE THE PHASING TABLE TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS; AND (8) OTHER AMENDMENTS FOR INTERNAL CONSISTENCY; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDMENT AND RESTATEMENT OF ORDINANCE NO. PDMU-05-19(G)(R47) Ordinance PDMU-05-19(G)(R7) is hereby amended and restated in its entirety below. All prior zoning ordinances (and any site plans approved pursuant thereto) shall be superseded by this ordinance. Any extensions, or rights to extensions, granted by the State Legislature pursuant to general law, or by Manatee County, to any dates contained herein are not intended to be changed or rescinded by the passage of this amended and restated ordinance.

SECTION 2 DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in the Northwest Sector DRI Ordinance 17-32, Section 380.06 F.S., the Manatee County Comprehensive Plan, or the Manatee County Land Development Code, in that order of precedence.

SECTION 3. FINDINGS OF FACT. The Board of County Commissioners (BOCC) of Manatee County, after considering the testimony, evidence, documentation, application for amendment to the Zoning Ordinance, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The BOCC received and considered the report of the Manatee County Planning Commission concerning the application to amend the General Development Plan and Zoning Ordinance to add 2.3± acres to Parcel B and remove 2.3± acres from Parcel C-3; revise condition S.2.i, to change the maximum number of gasoline pumps from 6 to 10 for Parcels B, D, and E;

delete condition S.2.k.3, regarding a pedestrian access to Parcel B; reallocate acreage to Parcel C-2 from Parcel C-3 (2.5+/- acres); reallocate acreage and entitlements to Parcel B from Parcel D (2.5+/- acres and 19,650 square feet of commercial space); reflect the satisfaction of transportation mitigation of impacts of the project through buildout; and update the phasing table to reflect legislatively approved extensions.

- B. The proposed amended and restated Zoning Ordinance and General Development Plan regarding the property described in Section 5 herein is found to be consistent with the requirements of the 2020 Manatee County Comprehensive Plan (Ordinance No. 89-01), as amended.
- C. The Northwest Sector Zoning Ordinance was originally approved on November 1, 2007 and consisted of 4,422 residences, 200,000 square feet of commercial space, 105,000 square feet of office space, and a 120 bed group care facility.
- D. On June 9, 2009, the Board of County Commissioners approved an amendment to the Zoning Ordinance and the General Development Plan to delete condition S(3)B which required a minimum unit size for single-family detached residences of 1,200 square feet.
- E. On December 3, 2009, the Board of County Commissioners approved an amendment to the Zoning Ordinance and the General Development Plan to revise the minimum lot width and side yard setbacks for single family detached units.
- F. On April 7, 2011, the Board of County Commissioners approved an amendment to the Zoning Ordinance to allow an option for zero lot lines, update the expiration date for the Certificate of Level of Service and update the Phasing Table to reflect legislatively approved extensions.
- G. On November 3, 2011, the Board of County Commissioners approved an amendment to the Zoning Ordinance and the General Development Plan to reallocate single-family units among parcels, add residential support as a use, modify dimensional criteria, allow design flexibility by revising restrictions on land uses and design criteria, amend stipulations to facilitate these changes, and update the Phasing Table to reflect Legislatively approved extensions.
- H. On May 3, 2012, the Board of County Commissioners approved an amendment to the Zoning Ordinance to update the Phasing Table to reflect legislatively approved extensions, 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 White Eagle Boulevard (f.k.a. Pope Road).
- I. On August 2, 2012, the Board of County Commissioners approved an amendment to the Zoning Ordinance to amend conditions of approval to allow the transfer of multi-family and single-family units between certain individual parcels, specify recreation, including golf course, as an allowable use on certain Residential parcels, adjust restrictions on cul-de-sac length, and other amendments for internal consistency.
- J. On August 6, 2013, the Board of County Commissioners approved an amendment to the Zoning Ordinance and General Development Plan to exchange 239 single-family units for 339 multi-family units in accordance with the approved Land Use Exchange Mechanism, reallocated units between Parcels J and I, modified design conditions, allowed the transfer of multi-family and single-family between additional parcels, modified dimensional criteria, allowed design flexibility by revising restrictions on land use and design criteria, amended

stipulations to facilitate the changes and updated the phasing table to reflect Legislatively Approved extensions, and modified certain conditions to be consistent with current departmental practices and other amendments for internal consistency.

On March 7, 2017, Equitable National Property Company, LLC, Central Park Lifestyles, LLC, and SMR North 70, LLC filed an application to amend the Zoning Ordinance and the General Development Plan to add 2.3± acres to Parcel B and remove 2.3± acres from Parcel C-3; revise condition S.2.i, to change the maximum number of gasoline pumps from 6 to 10 for Parcels B, D, and E; delete condition S.2.k.3, regarding a pedestrian access to Parcel B; reallocate acreage to Parcel C-2 from Parcel C-3 (2.5+/- acres); reallocate acreage and entitlements to Parcel B from Parcel D (2.5+/- acres and 19,650 square feet of commercial space); reflect the satisfaction of transportation mitigation of impacts of the project through buildout; and update the phasing table to reflect legislatively approved extensions; and other amendments for internal consistency.

- K. The Planning Commission has held a duly noticed public hearings on July 13, 2017 and October 12, 2017 and found the Zoning Ordinance and the General Development Plan consistent with the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and recommended adoption of the Zoning Ordinance and approval of the General Development Plan. The BOCC held public hearings on August 3, 2017 and November, 2 2017 regarding the proposed General Development Plan described herein in accordance with the requirements of the Manatee County Land Development Code (Ordinance No. 15-17) and regarding the proposed amendment to the zoning ordinance as listed below, and further considered the information received at the public hearing.

SECTION 4. GENERAL DEVELOPMENT PLAN

The General Development Plan is hereby APPROVED to allow a maximum of 4,522 residences, 200,000 square feet of commercial space, 105,000 square feet of office space, and a 120 bed group care facility, with the following stipulations:

A. DEVELOPMENT APPROVAL

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

TABLE 1 - DEVELOPMENT TOTALS			
TYPE OF DEVELOPMENT: Multi-Use Development.			
Land Use	PHASE I 2007-2024¹	PHASE II 2009-2028¹	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	2,411 units	1,422 units	3,833 units
Multi-family	689 units	0	689 units
Total Residential Units	3,100 units	1,422 units	4,522 units

Recreation (Golf Course)	18 holes	0	18 holes
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¹ March 18th 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.

² Includes the option for a group care facility 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 March 22, 2026, or as may be extended pursuant to the terms of the Northwest Sector/Lakewood Centre Local Development Agreement (LDA-10-01). The Certificate of Level of Service for Phase II will become effective upon approval of the amended DRI Development Order granting specific approval to such phase and shall be valid until March 18, 2028, the buildout date, or to such buildout date as may be extended from time to time pursuant to LDA-13-03.

A(3). The Project site may continue to be used for agricultural activities, but at no greater intensity than at present. No silvacultural or agricultural activities shall be initiated on land not currently under such use.

A(4). Preliminary and Final Site Plan Applications shall be reviewed for compliance with this Zoning Ordinance and shall be subject to the requirements of the Manatee County Comprehensive Plan and Land Development Code in effect at the time of such site plan application which are not specifically addressed in this Zoning Ordinance or are not inconsistent with this Zoning Ordinance.

B. TRANSPORTATION

B(1) Transportation mitigation improvements shall be implemented through the Local Development Agreements (LDA-10-01 and LDA-13-03) approved by Manatee County on September 14, 2010 and November 7, 2013.

B(2). With each Final Site Plan application, the Developer shall submit to the County a limited traffic study to provide:

The estimated traffic operations and turning with the conceptual design of the driveways serving the Project covered by the Final Site Plan application.

B(3). All improvements to state roadways will require FDOT approval and all improvements to County roads will require Manatee County Public Works Department approval.

B(4). Access to and from the site shall be in accordance with state and local access regulations and as generally shown on the General Development Plan (GDP).

B(5). Prior to or concurrent with each Final Plat approval, right-of-way for the adjacent roadways, as shown on the General Development Plan, shall be dedicated. This dedication shall be eligible for impact fee credits to the extent allowed by Section 806 of the Manatee County Land Development Code and applicable law.

- B(6). Thoroughfare roads that abut this site shall be constructed or a bond posted subject to the approval as to form by the County Attorney, at the cost of the Developer or other appropriate entity, prior to approval of development that has access on that roadway, as such development is generally shown on the GDP subject to timing changes that may be revised as a result of the broader solution set forth in the Local Development Agreement noted in Stipulation B(1). At a minimum, deadlines for completion (or the posting of a bond) of these roads and Malachite Drive shall be as follows:
- a. 44th Avenue
 - 1. From Lakewood Ranch Boulevard to Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, or the first Final Plat approval in Parcel G-1, whichever occurs first. **(Completed)**
 - 2. From Lakewood Ranch Boulevard to Lorraine Road, prior to the first Final Plat approval in Parcel G-3.
 - b. Pope Road
 - 1. From 44th Avenue to the northern terminus of Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, or the first Final Plat approval in Parcel G-2, whichever occurs first.
 - 2. From its northern terminus to Malachite Drive, prior to the first Final Plat approval in Parcel G-4. **(Completed)**
 - c. Center Ice Parkway

From Pope Road to the eastern most access into Parcels G-7 or G-9, prior to the first Final Plat approval in Parcels G-7 or G-9. If the right-of-way for Center Ice Parkway has been acquired to Lorraine Road, the Developer shall construct the road to Lorraine Road.
 - d. Malachite Drive

From Lakewood Ranch Boulevard to Pope Road, prior to the first Certificate of Occupancy or Temporary Certificate of Occupancy for the commercial parcel at Pope Road and 44th Avenue, or first Final Plat approval in Parcels G-2 or G-4, whichever occurs first. **(Completed)**

All roads shall be constructed with the outside 2 lanes of a 4 lane divided design, including sidewalks, bike lanes, appropriate intersection improvements, and associated stormwater facilities.
- B(7). Bicycle and pedestrian facilities shall be constructed on both sides of any road designated as a collector or higher, in accordance with the LDC. All bike lanes shall be constructed in accordance with Manatee County standards.
- B(8). The Developer shall provide sidewalks along both sides of all streets throughout the Project.
- B(9). The Developer shall provide roadways and pedestrian connections to perimeter roads, schools, and parks, as determined at time of Preliminary Site Plan approval.

- B(10). The 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, the Developer shall accommodate the requisite stop(s) within the Project.
- B(11). The Developer shall grant to the appropriate agency or agencies, a non-ingress/egress easement prohibiting vehicular access to and from the development via SR 70, Lakewood Ranch Boulevard, 44th Avenue, Rangeland Parkway, Lorraine Road, and White Eagle Boulevard, except as shown on the General Development Plan for permitted road and driveway crossings.
- B(12). The Developer shall be responsible for the construction of Rangeland Parkway to the eastern property line and the County shall be responsible beyond the property line, which may be constructed by the Developer pursuant to a reimbursement agreement.
- B(13). Prior to or concurrent with each Final Plat approval abutting perimeter roads, right-of-way for adjacent perimeter roadways as shown on the Preliminary and Final Site Plans shall be dedicated.
- B(14). The developer shall dedicate sufficient right-of-way at all roadway intersections to accommodate the future buildout design for each intersection. This shall be determined and shown on all Preliminary and Final Site Plans.
- B(15). At the time of Preliminary Site Plan, Final Site Plan, and Construction Plan approval for each phase of the project 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.

C. WETLANDS

- C(1). All wetlands defined as "Preservation or Conservation Areas" by TBRPC (as shown on the General Development Plan (Exhibit B) shall be preserved or conserved, respectively, except as shown on the GDP and as indicated in Condition C(3). The Developer shall not conduct dredging, filling, or any development activity within those Preservation or Conservation Areas, except as shown on the GDP and as indicated in Condition C(3).
- C(2). Except for wetland restoration and enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved.
- C(3). Any allowable wetland losses shall require compensation in accordance with the Manatee County Land Development Code (LDC Section 719), as specified in permits issued under 40D-4 FAC or under 62-340, FAC, as appropriate. Mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Mitigation may be provided by withdrawal of available mitigation credits from the Long Swamp Ecosystem Management Plan, if approved by appropriate agencies. Any on-site wetland compensation areas shall require monitoring and maintenance activities. Percent coverage of desirable plant species in the on-site created wetlands and enhanced wetlands shall meet or exceed eighty-five percent (85%) for at least two (2) years for herbaceous wetland systems and for

at least five (5) years for forested wetlands. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Zoning Ordinance.

- C(4). The Developer shall provide natural buffering around all post-development wetlands to provide an upland transition into the wetland areas and to protect natural systems from development impact. All buffers, buffer restoration, and setbacks shall be in compliance with the Manatee County Land Development Code.
- C(5). A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that serve as wetland mitigation areas shall be dedicated to Manatee County, prior to or concurrently with Final Plat approval (or 1st C.O. if platting is not required).
- C(6). The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Building and Development Services Department with the Final Site Plan.
- C(7). No lot shall be platted through a wetland, stormwater pond, or wetland buffer.
- C(8). The developer shall be responsible for providing mitigation for impacts to Wetland 41 associated with the widening of Lakewood Ranch Boulevard. The amount of mitigation required for the proposed wetland impacts will be determined and approved by SWFWMD with the issuance of the Environmental Resource Permit.
- C(9). The developer shall provide a copy of the Environmental Resource Permit approved by SWFWMD to the Environmental Planning Division of the Building and Development Services Department prior to commencement of construction.

D. VEGETATION AND WILDLIFE

- D(1). An Exotic Plant Species Management Plan shall be submitted for review and approval prior to or concurrent with Final Site Plan or Construction Plan approval for each development pod. The management plan shall provide for the continued, phased, removal of nuisance, exotic plant species that become reestablished within common areas of a residential development and open spaces within non-residential projects, for the life of the project. Removal of all exotic nuisance plant species from upland portions of the site shall be completed prior to the first Final Plat approval, in accordance with Section 715.4 of the LDC.
- D(2). The potential upland preservation areas shown on the General Development Plan shall be reviewed with each Preliminary Site Plan. Upland Preservation Areas may be reconfigured, subject to Planning Director approval, with the Preliminary Site Plan provided that the overall acreage (23.9 acres), general location, and quality of preserved habitat remain consistent with those shown on the approved GDP. Limited impacts may be permitted for suitable recreational areas (passive parks, pocket parks, etc.) Recreation improvements shall be designed in a manner that minimizes impacts to mature trees, dense tree clusters or significant vegetation.
- D(3). Unless otherwise approved by the Building and Development Services Department, native or drought tolerant landscape materials shall be utilized. The developer and future owners of the site shall be required to participate in the Florida Yards and Neighborhood Program.

- D(4). 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 each Final Site Plan approval. A Management Plan, approved by the appropriate State or Federal agency, shall be provided to the Building and Development Services Department for any listed species found on-site, prior to Final Site Plan approval.
- D(5). Final Site Plans within management guideline distances (as prescribed by US Fish and Wildlife Service) of the bald eagle nest shall be designed in accordance with the current Habitat Management Guidelines for the Bald Eagle or a Habitat Management Plan for Bald Eagles, approved by the U.S. Fish and Wildlife Service.
- D(6). In the event that any state- or federally-listed species are discovered breeding on-site during project development, the Developer shall immediately notify the Florida Fish and Wildlife Conservation Commission and implement the recommended measures for species protection.
- D(7). Appropriate wildlife passageways shall be incorporated into the roadways designed to cross the Wolf Slough corridor, if practical and approved by appropriate state, regional, and local agencies.
- D(8). Tree Protection Measures:

Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is, not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated. Specific tree protective measures shall be approved by the Building and Development Services Department with the Final Site Plan and Construction Plan submittal. Tree barricades for trees to be preserved shall be located at the drip line, unless otherwise approved by the Building and Development Services Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed unless specifically approved and shall be clearly shown on the Final Site Plan. The following activities are prohibited within the drip line of preserved trees unless otherwise approved by the Building and Development Services Department: 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 Building and Development Services Department.

The Final Site Plan shall include details and locations of signs (in both English and Spanish) to alert workers of tree and native vegetation protection areas. These signs shall be constructed of weather resistant materials and shall demarcate the boundaries of the protected areas.

E. LAND

- E(1). The Developer shall limit site work and construction to areas needed for immediate development or stockpiling, if shown on the Final Site Plan.
- E(2). An integrated Pest Management Plan (IPM) for the application of fertilizers, pesticides, and herbicides shall be submitted to the Building and Development Services Department for

review and approval prior to Final Site Plan approval. Where practical, native or drought tolerant landscape materials shall be utilized in common areas. **(Completed)**

- E(3). A Construction Water Quality Monitoring Program and proposed sampling locations shall be submitted to the Natural Resources Department (NRD) for review and approval prior to any land clearing activities, or Final Site Plan approval, whichever occurs first. **(Completed)**
- E(4). The entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.
- E(5). A Well Management Plan for the proper rehabilitation or abandonment of existing wells shall be submitted to the Building and Development Services Department for review and approval prior to Final Site Plan approval. **(Completed)**

F. AIR QUALITY

- F(1). The Developer shall institute the following procedures to ensure dust control during development of the Project:
- a. Implement a watering program during excavation, and dredge and fill operations;
 - b. Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - c. Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
 - d. Keep soil stockpiles moist, or treat with soil binders or cover;
 - e. Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
 - f. Remove dust producing materials as soon as possible; and
 - g. Clean (sweep) paved roads adjacent to site as necessary;
- F(2). Prior to development of Phase II, air quality impacts must be analyzed as required by Section 380.06, Florida Statutes. If mitigation is required based upon this analysis, the Development Order must be amended to incorporate those mitigative measures.
- F(3). If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans and Construction Plans are approved.

G. WATER QUALITY AND DRAINAGE

- G(1). The stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 62-25, Florida Administrative Code, and 40D-4, Rules of SWFWMD, the County and Building and Development Services Department, whichever is

more stringent; to provide retention, or detention with filtration/assimilation treatment, pursuant to SWFWMD and County approved methods, during the 25-year, 24-hour design storm; and such that maximum post-development flow rates do not exceed pre-development flow rated for the same design storm. Nothing in this paragraph shall be construed as a waiver by the Developer of any vested rights, if any, pertaining to approved and constructed stormwater drainage facilities. With the exception of any such vested rights, if any, any valid requirements of general law pertaining to retrofitting which shall apply to landowners in Manatee County, however, shall apply to the Developer.

- G(2). Best Management Practices (BMP) for reducing water quality impacts, as recommended by the County and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented. Low Impact Development techniques shall be used, where feasible.
- G(3). The Developer shall be the entity responsible for maintaining the stormwater management system. The Developer's obligations may be assumed by an appropriate agency, Community Development District, or Lakewood Ranch Stewardship District.
- G(4). Stormwater management system design shall, to the maximum extent possible, incorporate and utilize isolated wetlands.
- G(5). The applicant submitted an Ambient Surface Water Quality Monitoring Report to Manatee County in November 2004. The report contained the surface water quality data representing the site specific ambient conditions to meet the one year pre-construction monitoring requirement, as specified in the "Ambient Surface Water Monitoring for Developments" Guidance document. On April 5, 2005, the Ambient Surface Water Quality Monitoring requirement was considered satisfied by the County.
- G(6). Within one year of initiating vertical construction, the Developer shall submit the results of surface water quality monitoring to Manatee County for review. The Plan shall be reviewed by Manatee County for consistency with the County's "Ambient Surface Water Monitoring for Developments" (Guidance) document. **(Completed)**
 - A. The results of the monitoring shall be submitted to the County with each DRI Biennial Report and shall include an official laboratory report.
 - B. The Developer will incorporate additional water quality treatment or water management methods into the project's surface water drainage system to correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective or adversely impact water quality downstream of the project site.
 - C. Any violation of Rule 62-302, Florida Administrative Code, determined to be caused by this development, shall require corrective measures, as set forth by the DEP and shall be reported to the County and all work which is determined by the County to be contributing to the problem will be halted until the problem is resolved.
- G(7). The applicant submitted a Groundwater Quality Monitoring Plan on February 15, 2006, to monitor for ambient (pre-development) and construction water quality conditions, as specified above. On February 21, 2006 the Groundwater Quality Monitoring Plan was approved by the County.
- G(8). Water quality samples shall be collected and analyzed in accordance with Manatee County's Guidance document, referenced above and the Northwest Sector DRI Site's Groundwater Quality Monitoring Plan, dated February 15, 2006. If any of the parameters are above the

proposed, current, or final maximum contamination levels (MCL's) or MCL goal, the County and DEP will be properly notified for further action. The results of the groundwater quality monitoring shall be submitted to the County for review with the DRI biennial report and shall include an official laboratory report.

- G(9). Stormwater treatment by biological filtration shall be provided where required and shall be encouraged wherever appropriate and feasible. Percolation treatment and underdrain effluent treatments may be utilized where consistent with applicable law.
- G(10). To the extent required by applicable law, on site stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation. The Developer shall ensure, by supplemental replanting if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) for five years.
- G(11). To prevent adverse effects to groundwater quality during construction, there shall be no excavation into or through the Floridan aquifer's confining layers.
- G(12). Stormwater management ponds shall not be constructed within wetland buffers or other natural resources of regional significance.
- G(13). All fill within the 25-year and 100-year floodplains shall be compensated by the creation of an equal or greater storage volume above the 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). The available storage volume above the 25-year Design High Water Level of any proposed stormwater attenuation ponds can be calculated toward compliance with the flood plain compensation requirement. In lieu of the above cup-for-cup compensation, the applicant may perform hydraulic analysis that reflect a No-Rise to the FEMA base flood elevation and receive a CLOMR from FEMA for the affected area. The hydraulic model is subject to approval by Manatee County.
- G(14). Education advocating surface water protection shall be provided to all residents and tenants in the project.
- G(15). This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Mill Creek. Modeling shall be used to determine pre- and post- development flows.
- G(16). 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.
- G(17). Drainage Easements shall be dedicated to Manatee County and be shown on the Final Site Plan and Final Plats along any drainage systems conveying public drainage. In addition, Drainage Maintenance/Access Easements shall be dedicated along the banks of these systems in accordance with Manatee County Public Work standards. Manatee County is only responsible for maintaining the free flow of drainage through these systems. Manatee County has no obligation relative to these systems to maintain, change, improve, clean, repair erosion, or restore the natural changes in the course of stream beds.

- G(18). A no-rise permit will be required for all encroachment within the FEMA 100-year floodway of Wolf Slough and Mill Creek. Any existing or proposed structures within the floodway shall be modeled.
- G(19). The developer shall provide a drainage easement to Manatee County to accept stormwater for that portion of the following planned thoroughfare roadways that are located immediately adjacent to the project to accommodate the following planned build-out conditions. The developer shall design and construct the stormwater capacity for that portion of the following planned thoroughfare roadways within the project area and such design and construction shall be included in the SWFWMD permit documentation.

Lakewood Ranch Boulevard	6 lanes	
44 th Avenue East	4 lanes	
Rangeland Parkway	4 lanes	
White Eagle Boulevard		4 lanes
S.R. 70	6 lanes	
Lorraine Road	4 lanes	

H. HISTORICAL AND ARCHAEOLOGICAL SITES

- H(1). Any historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, TBRPC, and the County. Archaeological test excavations by a professional archaeologist shall be conducted on each such site to provide sufficient data to make a determination of significance prior to the commencement of ground-disturbing activities at the site. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, TBRPC, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource-disturbing activities are allowed to continue.

I. WATER

- I(1). Potable Water and reclaimed infrastructure facilities shall be constructed in accordance with the appropriate County approved master plan or Developer approved master plan in effect at the time of Final Site Plan submittal for each phase or subphase of this development. Cost sharing for oversizing any mains shall be as determined by written agreement between the Developer and the County.
- I(2). The Developer shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with SWFWMD rules and regulations. Any existing on site wells not intended for potable or nonpotable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
- I(3). The Developer shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.

- I(4). The Developer shall maintain all water lines and fire hydrants not dedicated to the County.
- I(5). The Developer shall use only nonpotable water to meet nonpotable (irrigation) water demands. For purposes of this Approval, "nonpotable" water is defined as water emanating from any source other than a public potable water utility.
- I(6). Adequate fire flow and water pressure shall be maintained within the project's water supply system.
- I(7). The Developer shall conform to and further the applicable rules and adopted guidelines of SWFWMD in regard to protection of the groundwater resources in the Southwest Tampa Bay Water Use Caution Area.
- I(8). 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: stormwater, reclaimed water when available for use and non-potable quality groundwater. Prior to Final Site Plan approval(s), 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 on individual lots.
- I(9). For the purpose of potable or reclaimed water conservation, utilization of xeriscape principles is required in landscaped areas, in accordance with Policy 3.2.3.3. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be purposely irrigated. Native vegetation or drought-resistant vegetation shall be used in common and non-residential landscaped areas. Non-native vegetation may be used, consistent with xeriscape principles.
- I(10). A pre-design conference between the Developer and County staff shall be held prior to submittal of Construction Drawings for the Project to discuss the points of connection for potable water and wastewater service and the configuration of the potable water and sanitary sewer systems.
- I(11) The Developer shall submit a Master Plan for potable water, wastewater, and fire protection simultaneously with construction plan submittal for each area covered by the construction plan. Any future Developer master plan shall be in accordance with and/or coordinated with the County master plan or previously approved Developer master plan. The Developer shall also be responsible for determining if upgrading of offsite potable water and wastewater facilities is necessary to provide adequate potable water, sanitary sewer, or fire protection service to the portion of the development for which such service is being requested. Oversizing of potable water and wastewater facilities may be necessary to provide for future development in or adjacent to the Project. Cost sharing for oversizing any mains shall be as determined by written agreement between the Developer and the County.

J. WASTEWATER

- J(1). Wastewater infrastructure facilities shall be constructed in accordance with the appropriate County approved master plan or Developer approved master plan in effect at the time of Final Site Plan submittal for each phase or subphase of this development. Cost sharing for oversizing any mains shall be as determined by written agreement between the Developer and the County.
- J(2). No permanent septic system shall be permitted within the project.

- J(3). Sewer lift stations shall be designed and equipped in accordance with County regulations.
- J(4). The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28).
- J(5). The Developer shall implement a wastewater reuse system, outside of the Evers Reservoir basin, when feasible.

K SOLID WASTE

- K(1) As stated in the ADA, it is not anticipated that hazardous or toxic waste will be generated by the project's office or commercial tenants. Within one year of the effective date of the Development Order, or prior to issuance of subsequent Development Approvals for any nonresidential land use within the project, whichever occurs later, the Developer shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed and approved by the County, NRD, and TBRPC, and then distributed by the Developer to nonresidential land users within the project.
 - 1. At a minimum, the plan shall:
 - a. Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
 - b. Indicate the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
 - c. Describe generally improper disposal methods;
 - d. Describe generally appropriate disposal methods;
 - e. Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances;
 - f. Describe a program to inform owners and tenants of the information contained in the plan;
 - g. Describe construction requirements for hazardous waste holding areas;
 - h. Describe typical spill clean up methods; and
 - i. Be updated and distributed to each non-residential land user biennially.
- K(2). All project tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use, if any, shall be included in each Biennial Report.
- K(3). The Developer shall participate, as required by Manatee County ordinances, in any necessary expansion of solid waste service to each phase or subphase of the project to assure that adequate solid waste capacity exists to accommodate the project.

L. RECREATION AND OPEN SPACE

L(1). Provide a minimum of 1 acre of usable recreation open space per 100 dwelling units with sufficient acreage in each defined Parcel and group of Parcels (see table below). (The Project is proposing 44.8 acres of recreation open space, greater than the 44.22 acres required by the formula above.) The project shall include Pocket Parks in each Parcel and a minimum of one Neighborhood Park per 500 units for each Parcel or group of Parcels that contains 500 units or more. A Community Park may be built in lieu of Neighborhood Parks within a given Parcel or group of Parcels, as long as the total acreage and distribution of recreation area/park land is met.

The project shall create a “green infrastructure” by connecting recreation areas/parks with trails/greenways; some of which may be 8-10 foot wide meandering landscaped sidewalks/multi-use trails.

Acreage for trails/greenways shall count towards meeting the 1 acre per 100 dwelling units for recreation areas/parks described above. For any trails not located within a recreation area/park, the recreation area shall be calculated as 3 times the width of the trail/greenway times the length of the trail.

Lakes, stormwater ponds, wetlands and other water features can be included in the total recreation open space acreage if there are recreation amenities such as fishing/observation piers, boardwalks, canoe/kayak/boat launches or other water related amenities associated with said water features. The recreation open space acreage for water features shall be calculated as 3 times the acreage of the recreation amenity itself (i.e.: 3 times the footprint of a fishing/observation pier) but not the acreage of the entire water body.

L(2). The project shall contain a minimum of 44.8 acres of usable uplands for recreation open space/parks, including water features with recreation amenities. Acreage for the trails/greenways system shall be included in the 44.8 acres for recreation areas/parks. The Developer shall allocate this acreage as follows:

Parcel	Park Types
Parcel A-2	1 Pocket Park
Parcels C-1 – C-4	1 Neighborhood Park
Parcels G-1 - G-9	One or more additional neighborhood parks distributed appropriately north and south of Rangeland Parkway and Malachite Drive.
Parcel E	1 Pocket Park or other recreation facilities
Parcel I	1 Pocket Park
Parcel J	1 Pocket Park
Off-site – White Eagle Boulevard @ 44 th Avenue	1 Neighborhood Park
Kent Lakes	1 Neighborhood Park or 1 Pocket Park with water-use facilities (i.e. pier(s) and canoe launch area(s).)
Trails east of White Eagle Boulevard	2 miles of trails 10' wide

The specific size of each recreation area/park shall be determined by the Developer (as approved by the Building and Development Services Department in consultation with the Parks and Recreation Department) at time of Preliminary Site Plan approval based on the lot size(s) or unit types in the area being served. In general, Pocket Parks shall be a minimum of 1 – 4 acres, Neighborhood Parks 5-10 acres and Community Parks 20 – 50 acres in size.

All parks shall be distributed accordingly so residents can safely walk/bike from their home to the park (generally not more than ½ mile).

The required park area in each Parcel(s) may be reduced, at a ratio of 1 acre/100 units, if the Parcel(s) are not built out to the number of units identified on the General Development Plan.

- L(3). Pocket Parks shall include a playground with seating, water fountain and shade structure, an open play field and shade trees. Other amenities may include a picnic area with pavilions, tables, benches and grills, depending on neighborhood demographics. Pocket Parks may be connected to the overall recreation area/park system via sidewalks and/or trail/greenway.
- L(4). Neighborhood Parks shall contain active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); multi-use trail with benches and/or exercise stations; and picnic area with pavilions, tables, benches and grills. Optional facilities include hard court facilities (tennis, racquetball, shuffleboard, etc) and a “club house” with swimming pool, depending on demographics of future residents. Neighborhood Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.
- L(5). Community Parks shall include active and passive recreation facilities. Typical recreation amenities include, at a minimum, a playground with shaded seating, restroom, and water fountain; formal or informal “athletic fields” suitable for team sports (baseball, football, soccer, volleyball, etc.); hard court facilities (tennis, racquetball, shuffleboard, etc.); a “club house” with swimming pool; multi-use trail with benches and/or exercise stations; and picnic area with pavilions, tables, benches and grills. Actual recreation facilities built are dependent on demographics of future residents. Community Parks shall be connected to the overall recreation area/park system via trails/greenways and sidewalks.
- L(6). Any park in an “age-targeted” or “age-restricted” neighborhood shall have facilities appropriate for that age group. Parks not in age-targeted or age-restricted neighborhoods shall provide facilities appropriate for all ages, including a playground with outdoor play equipment.
- L(7). Multi-family parcels (Parcels A-2 and J, as listed in L(2), above) shall include active and passive recreation facilities that meet the needs of future residents based on projected demographics.
- L(8). A master plan for trails/greenways for the area east of White Eagle Boulevard shall be approved by the Manatee County Building and Development Services Department (in consultation with the Parks and Recreation Department) prior to the first Preliminary Site Plan. (The “Central Park” area west of White Eagle Boulevard and east of Lakewood Ranch Boulevard has previously received Preliminary Site Plan approval.) **(Completed)** At a minimum, the trail/greenway system shall include a trail/greenway adjacent or proximate to the wetlands and preserved uplands on the project’s eastern side with “collector” trails from residential neighborhoods connecting with the “wetland/preserve” trail. Trails/greenways

shall contain benches with shade (architectural and/or vegetation) located along the trail system in appropriate locations (i.e.: rest stops; for nature observation etc.). Other recreation facilities such as gazebos may also be located in appropriate locations along the trail system. Trails/greenways shall, as much as practical, be ADA compliant with an emphasis on accessing the most significant natural and built landscape components (i.e.: beautiful vistas and fishing/observation piers, among others). Improvements shall be completed concurrent with adjacent plat approvals.

- L(9). All nature trails, board walks and other recreation amenities that may be permitted by the Building and Development Services Department in wetlands, wetland buffers, and upland preservation areas shall be designed to minimize impacts to trees, other significant vegetation and natural habitats in accordance with Section 719 of the Manatee County Land Development Code. Management plans shall be written and implemented to ensure the long term maintenance and ecological viability of these areas.
- L(10). All recreation, park, and wetland sites shown on the General Development Plan shall not be utilized for other uses inconsistent with their designation on this map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06, Florida Statutes.
- L(11). All recreation and open space areas not deeded to the County or other state agencies shall be owned and maintained as common open space through a property owners association, or other similar entity, for the project.
- L(12). The developer shall dedicate to Manatee County land outside of the DRI boundary for a recreational park consisting of approximately 15 acres of usable park land, lying north of 44th Avenue Extension (proposed) and west of White Eagle Boulevard adjacent to the parcels owned by the Manatee County School Board at the northwest quadrant of that intersection. Dedication of the park land shall occur prior to the first Final Site Plan approval after the commencement of Phase II. The developer shall design and construct park improvements as agreed upon between the developer and Manatee County Parks and Recreation Department, the timing of which will be determined in the future once the County has a clearer understanding of future funding available for park operations. If built, park improvements shall be constructed using design concepts and materials consistent with similar park facilities in other Manatee County parks. Manatee County shall identify the park as a planned project within the parks and recreation level of service standards contained in the Comprehensive Plan as a condition precedent to the developer's required dedication of the land. Upon the dedication of the park together with all improvements thereon to Manatee County for use by the general public, the park shall be a park within the Manatee County Parks and Recreation system. If the dedication and construction by the Developer meets this condition, it shall be eligible for impact fee credits from the parks and recreation component.
- L(13). The existing Kent Lakes shall be incorporated into the project's recreation infrastructure. This may include, but not limited to, the construction of trails around the lakes; passive observation points with benches; small fishing pier(s); and a canoe/kayak launching area. Recreation facility acreage at Kent Lakes can be included in the overall recreation area/park acreage as described in L(1) and L(2).

M. EDUCATION

- M(1). To mitigate the project's impacts, the Developer provided the Manatee County School Board sufficient land for elementary and middle school sites.

N. HEALTH CARE, POLICE, AND FIRE

- N(1). The Developer shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of emergency service facilities for emergency medical services. The Developer may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as applicable. An agreement as to the schedule for payment of the Developer's pro-rata share, mutually acceptable to the County and the Developer, shall be submitted prior to the approval of the first Final Site Plan or Final Plat for Vertical Development for Phase I or any subphase thereof. The pro-rata share shall not exceed the total sum of impact fees anticipated from the project and any pro-rata lump sum payment shall be creditable against the payment of impact fees at the rate in effect at the time payment was made. **(Completed)**
- N(2). The Developer shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer may, with the concurrence of the County, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County or payment of impact fees, as applicable. The pro-rata share shall not exceed the total sum of impact fees anticipated from the project and any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. **(Completed)**
- N(3). The project shall be designed and constructed to meet or exceed specifications of the State Fire Code, Rule 4A-3.012., Florida Administrative Code. The project shall use, as applicable, Fire Wise principles, such as clearing around houses, carefully spacing trees, and maintaining irrigation systems.
- N(4). The maximum height of buildings in the project shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available firefighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
- N(5). Prior to approval of all Preliminary Site Plans, the Developer shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate firefighting operations. Additionally, the Developer shall provide calculations by a Florida registered engineer to the County indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Braden River Fire District that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Final Plat or Certificate of Occupancy in the project.

O. ECONOMICS

- O(1). Excess infrastructure capacity constructed by the developer shall be at the developer's risk and shall not vest later development rights not addressed in this approval.
- O(2). The project shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to policies 21.2, SCP and 21.5.3, FCRPP, respectively.

- O(3). The development and promotion of a day care system should be encouraged on site, and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

P. ENERGY

- P(1). Issuance of development approvals for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
- P(2). All project tenants, businesses, residents, etc. shall be notified in writing by the Developer prior to occupancy that the following energy related practices are encouraged:
- a. Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and co-generation, where economically feasible;
 - b. Obtain energy audits provided by energy companies or other qualified agencies;
 - c. Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - d. Use landscaping and building orientation to reduce heat gain, where feasible, for all Project construction;
 - e. Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - f. Reduce levels of operation of all air conditioning, heating, and lighting systems during nonbusiness hours, as appropriate;
 - g. Institute and utilize recycling programs;
 - h. Utilize energy efficient packaging or recyclable materials;
 - i. Install total energy systems on large facilities when cost effective; and
 - j. Elimination of advertising requiring lighting after business hours where feasible.

Q. AFFORDABLE HOUSING

- Q(1). An assessment of the potential affordable housing impacts of the project was performed as part of the DRI review. This analysis was accepted by the reviewing agencies and indicated that there was no unmet need for affordable housing in the project area. No mitigation for affordable housing impact is required.
- Q(2). Any affordable housing analysis required in the event this Ordinance is amended to allow non-residential development in Phase II beyond that approved in Phase II shall be based on statutes, ordinances and rules in effect at the time this ordinance is amended.

R. HURRICANE PREPAREDNESS

- R(1). The Developer shall coordinate with the Institute for Business and Home Safety (IBHS) and the Manatee County Public Safety Department, Emergency Management Division to determine the feasibility of incorporating wind resistant “fortified” design criteria into the commercial and office facilities.

S. DESIGN STANDARDS

S(1). Regardless of information contained in the General Development Plan or development stipulations contained within this ordinance, this project shall comply with all regulations of the Land Development Code and the Comprehensive Plan.

S(2). Non Residential

a. Notwithstanding the limitation in S(2).k.4 below, the maximum square footage for each commercial and office parcel, as identified on the General Development Plan, may be increased provided that all dimensional criteria as outlined in S.(2)b, consistent with the LDC and Comprehensive Plan provisions, as applicable, are met and there is a simultaneous decrease of square footage on another parcel. This shall not authorize an overall increase of square footage for the Project. Such modification does not require the submittal or review of an amended General Development Plan, but may be approved with a Preliminary Site Plan or Final Site Plan. Such Preliminary or Final Site Plan shall include a tracking chart and exhibit giving the location of additions and deletions to assure Manatee County that there has been no increase in square footage. Development totals shall be updated with each biennial report.

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

Type	Min. Lot Size (Sq. Ft.)	Front Setback (Ft.)	Side Setback (Ft.)	Rear Setback (Ft.)	Maximum Height (Ft.)
Commercial/Office Parcels B and D	7,500	40	15	30	3 stories/45 feet
Commercial/Office Parcel A-1	7,500	40	15	20	4 stories/60 feet
Commercial/Office Parcel E	7,500	40	15	20	3 stories/45 feet
Commercial/Office Parcel K	7,500	40	15	20	2 stories/30 feet

c. Building Appearance

All building facades shall exhibit an aesthetically attractive appearance. Design shall be subject to the following criteria and reviewed for compliance by the Building and Development Services Department with future Final Site Plan and Building Permit submittals.

1) The sides of all buildings shall have minimal blank walls no longer than 30 feet in length or 20' in height. In order to insure that the buildings do not project a massive blank wall, design elements with distinctive color variation shall include prominently visible architectural details [e.g., bump-outs, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas

of contrasting or different finish building materials, etc.] or other methods, as approved by the Planning Director. Facades greater than 75 feet in length shall have varying roof lines through varying the height of the cornice, or the use of 2 or more roof types (parapet, dormers, and sloped, etc.).

- 2) Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed concrete block, or corrugated metal shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least seventy five percent (75%) of the building face is constructed from other permitted materials.
- 3) All rooftop mechanical equipment shall be screened from view from abutting roadways or adjacent residential properties. Screening shall be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.

d. Service Areas

- 1) All truck loading, service areas, and outside storage shall not be adjacent to or visible from adjacent roads or visible from residential properties.
- 2) Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade.
- 3) Tractor trailer or semi-trucks involved in deliveries to the rear of the buildings (or sides if facing residential) shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. During the period of time between 10:00 p.m. and 7:00 a.m., there shall be no:
 - delivery, loading, or unloading of tractor trailer or semi-trucks;
 - use of forklifts or other loading or unloading devices; and
 - running of truck or trailer motors, or other refrigeration devices installed thereon.

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

f. 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.

g. Signs shall meet the requirements of Section 724 of the Land Development Code.

h. Each non-residential parcel shall include a pedestrian connection, where applicable, to abutting residential parcels, to be determined at time of Preliminary Site Plan approval.

- i. A maximum of ten (10) gasoline pumps per parcel may be located on Parcels B, D, and E. Any gasoline pumps on Parcels B shall be a minimum of 160 feet from any residential lots. Any gasoline pumps on Parcels B, D, and E shall be a minimum of 120 feet from any residential lots.
- j. Parcel A-1
 - 1) Parcel A-1 may not be developed with commercial uses unless the GDP is amended to reallocate existing commercial entitlements in the project to this parcel or the commercial entitlements in the project are increased. **(Completed)**
 - 2) A vertical mix of land uses is permitted on Parcel A-1. If a vertical mix is designed on this parcel, it will include commercial (if permitted in the future) and office uses on the first floor and residential or office land uses on the upper floors.
 - 3) The wetland at the southwest corner of Lakewood Ranch Boulevard and 44th Avenue shall be included in Parcel A-1 in order to take advantage of the 75% Rule pursuant to Land Use Operative Provision E(5)(a) of the Comprehensive Plan.
- k. Parcels B and D
 - 1) At time of Final Site Plan submittal, a fifteen foot buffer shall be provided along the boundary of each parcel where it abuts the residential component.
 - 2) Prior to the issuance of a Certificate of Occupancy for each commercial parcel, the abutting landscape buffer on the residential parcel shall be completed and certified to the Building and Development Services Department by a Florida Registered Landscape Architect. The Landscape Architect shall certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.

Prior to Certificate of Occupancy for the main commercial buildings, a Florida Registered Landscape Architect shall re-certify that all the trees have survived and sustained normal growth patterns. Trees which have not shall be replaced with enhanced tree sizes to make up the loss in growth time.
 - 3) The applicant has the option of administratively relocating up to 3,000 square feet of commercial entitlements in Parcels B or D to lots adjacent to the central park, consistent with the Comprehensive Plan.
- l. Parcel E
 - 1) The building design and site layout shall promote a pedestrian and neighborhood scale, to be determined at time of Preliminary Site Plan approval.
 - 2) Parcel E shall be designed in such a way as to maintain connectivity between adjacent neighborhoods and ensure compatibility between non-

residential and residential uses within the parcel, to be determined at time of Preliminary Site Plan approval.

- 3) The building and layout shall be substantially consistent in theme with the photos and plan submitted and attached as Exhibit 4 to PDMU-05-19(Z)(G) approved November 1, 2007.
- 4) To promote a neo traditional design theme, limited parking shall be allowed in front of the building(s).
- 5) Building height shall be limited to 30 feet, except for architectural features which may be up to 45 feet in height.
- 6) No building shall be constructed within 50 feet of a residential subphase or lot, if platted.
- 7) Building layout and design shall avoid the look of a “Big Box” building; and
- 8) Any structures (residential, non-residential, ancillary, etc.) constructed within the “Coordination Zone”, as indicated on the GDP, shall be designed in a style compatible with the style of the main buildings or buildings within Parcel E.

S(3). Residential

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

Type	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}	4,950	42	25/20	6 ^{4,5}	15	35
Single-Family Detached ^{3,8}	9,000	76	25/20	6 ^{4,5}	15	35
Single-Family Detached ^{3,8}	9,000	80	25/20	7.5 ⁶	15	35
Single-Family Attached ⁸	2,500	25	25/20	0/10 ⁷	15	35
Single-Family Semi-Detached ⁸	4,950	45	25/20	0/10 ⁷	15	35
Multi-Family	NA	NA	25	15/25 ²	15	3 Stories/35
Park	NA	NA	25	15	15	35

Residential Support Uses	NA	NA	40	15	30	45
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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 ten (10) foot separation between accessory equipment (e.g. air conditioner units, heat pumps, pumps, etc.) and structures alongside adjoining houses with 6-foot side yard setbacks.
 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 White Eagle Boulevard. 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, White Eagle Boulevard, and Rangeland Parkway as collector roadways through the project, and Malachite Drive as a major local street through 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.
- c. Any Preliminary Site Plan for residential development next to a previously approved residential plan containing a less intense residential product (i.e. single family attached or multi-family adjacent to single family detached) shall provide enhanced separation and buffering between the two types of housing products, as approved by the Building and Development Services Director.
 - d. A Group Care Home (small and large) is permitted on Parcels A-1, A-2, G-5, G-8, G-9, I or J. The height of any Group Care Home on a residential parcel may not exceed 3 stories and 35 feet. All large group care homes shall maintain a minimum setback of 75 feet from adjacent single family property and shall be on a roadway shown on the GDP.
 - e. Parcel A-2:
 - 1) The multi-family buildings located on Parcel A-2 shall be setback a minimum of 75' from Lakewood Ranch Boulevard and 30 feet from Rosedale to the west. This shall be approved by the Building and Development Services Department with the Preliminary and Final Site Plans.
 - 2) The multi-family buildings on Parcel A-2 shall be separated from Parcel A-1 by a 20' screening buffer.
 - f. Parcels C-1 – C-4
 - 1) Prior to Final Plat approval for the sections of Parcels C-2 and C-3 abutting Parcels B and D, the wall, berm, and landscaping depicted in Attachment "B" as shown on Preliminary Site Plan (PDMU-05-09(Z)(P) shall be installed.
 - 2) To provide adequate area for tree canopy growth for screening purposes, the landscape buffer, where abutting the commercial component in Parcel B, shall be increased to a minimum width of 40 feet in Parcel C-3. Lots shown on the Preliminary Site Plan as being within this stipulated buffer shall be redesigned and relocated out on the Final Site Plan.
 - 3) Lots in Parcels C-2 and C-3, within 200 feet of Parcels B and D, shall be limited to one story houses.
 - 4) The developer shall construct pedestrian access from Parcel B to Parcel C-3.
 - g. Parcel G-7

An upland buffer at least 35 feet wide shall be provided along the eastern boundary where this parcel abuts parcels adjacent to Lorraine Road.
 - h. Parcel J

All multi-family buildings shall be setback a minimum of 75' from SR 70. This shall be approved by the Building and Development Services Department with the Preliminary and Final Site Plan.

- i. Residential Support Uses are allowed in Parcels A-2, C-1 through C-4, F, G-1 through G-9, J, and I. Churches and other places of worship (excluding large, medium, small and accessory day care centers) shall be allowed by Administrative Permit if locational criteria can be met, or by Special Permit if those criteria cannot be met, pursuant to Section 704.13.1 of the Land Development Code as may be amended. The square footage allocated to future large, medium and small day care centers, accessory day care centers, environmental education facilities and schools of special education are intended by this ordinance to be included within the entitlements already approved by the Northwest Sector DRI Development Order.
- j. Parcels G-1, G-2 and G-3

All multi-family buildings shall be setback a minimum of 75 feet from 44th Avenue East and White Eagle Boulevard. This shall be approved by the Building and Development Services Department with the Preliminary and Final Site Plans.
- k. The maximum number of units for each residential parcel, as identified on the General Development plan, may be increased provided there is a simultaneous decrease on another residential parcel. This shall not authorize an overall increase in residential units for the Project. Such modification does not require the submittal or review of an amended General Development Plan, but may be approved with a Preliminary Site Plan or Final Site Plan. Such Preliminary or Final Site Plan shall include a tracking chart and exhibit giving location of additions and deletions to assure Manatee County that there has been no increase in units. Development totals shall be updated with each biennial report.

T. DEFINITIONS

- A. "Acceptable Level of Service" shall, for links and intersections in Manatee County, Florida, mean Level of Service "C" on an average daily basis, or "D" on a peak hour basis, as provided in the Land Development Code. Level of Service "D" shall be measured on a peak hour basis as determined by the Highway Capacity Manual (1994), TRB Special Report 209 or the most current manual and computer software version in accordance with guidelines acceptable to Manatee County. Level of Service "C" capacity on an average daily basis shall be calculated either as 10 times the peak hour Level of Service "D" capacity, or if actual data is available to determine the "K" factor (please refer to the Florida Department of Transportation Planning and Statistics Department), then on the basis of the "K" factor.
- B. "Application for Development Approval" (or ADA) shall mean the Northwest Sector Development of Regional Impact Application for Development Approval (Submitted on May 2, 2005); the First Sufficiency Response submitted by the Developer on July 14, 2005; the Second Sufficiency Response submitted on October 28, 2005; the Third Sufficiency Response submitted on January 26, 2006.
- C. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- D. "Development Plans" shall mean any Preliminary or Final Site Plan issued by Manatee County.

- E. "Developer" shall mean SMR North 70, LLC, its heirs, assigns, designees, and successors in interest as to the Project.
- F. "Development Approval" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Site Plan, Final Plat, or Construction Drawing approval where site plans or subdivision plats are not required.
- G. "Funding Commitments" shall mean any combination of the following to assure the completion of any improvements required by this Development Order: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County for construction of the improvements required as referenced in Tables 2 and 3 of this Ordinance; 2) actual construction; 3) the placement of the improvements in the current year plus one year of the Capital Improvements Element of the appropriate County or the current year plus the first two years (or current plus first four years for FIHS facilities) of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements, pursuant to a Local Development agreement entered into between the Developer and the County. This Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables 2 and 3.
- H. "General Development Plan" shall be defined as the site plan for PDMU-05-19 (G)(R7), last revised on June, 2013, and attached as Exhibit B. Development on the General Development Plan shall be limited to the total number of dwelling units and non-residential development in Table 1.
- I. "Post-Development Wetlands" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development of this project.
- J. "Preliminary Site Plan" (PSP) shall mean a Master Preliminary Plan or a Preliminary Site Plan for a Phase or Subphase, as defined in The Manatee County Land Development Code.
- K. "Project" shall mean the land uses, phasing, and improvements described in Table 1 which are attributable to development on that property described in Section 5 herein and set forth on the General Development Plan attached hereto as Exhibit B.
- L. "Transportation Impact Area" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Florida Department of Economic Opportunity (DEO), Tampa Bay Regional Planning Council (TBRPC), or the County, provided the more restrictive percentage of such greater percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J of the Development Order, dated February, 2005.

- M. "Vertical Development" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such units.
- N. "Warranted" shall mean a determination by the County, or the Florida Department of Transportation (FDOT) for state roads (unless the improvement is identified as a "local improvement", based on generally accepted transportation engineering practices that the Acceptable Level of Service cannot be maintained on a roadway segment or intersection without the construction of a transportation improvement required by this Development Order. All reserved vehicle trips on the roadway segment or intersection shall be counted regardless of their source in making this determination.
- O. "Wetland" shall mean any wetland under the jurisdictional limits defined by Chapter 62-340, Florida Administrative Code, and implemented by the Florida Department of Environmental Protection, or as defined by Chapter 40D-4, FAC, and implemented by the Southwest Florida Water Management District.

SECTION 5. 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 6. LEGAL DESCRIPTION.

Legal description of the Project is attached as Exhibit A.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect upon the later of: 1) the filing of this ordinance with the Department of State, State of Florida, and 2) 45 days after the filing of Ordinance 17-32, the Development Order for Northwest Sector, with the Department of Economic Opportunity, unless a notice of appeal is filed pursuant to Section 380.07 Florida Statutes.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida this the 2nd Day of November, 2017.



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

BY: _____

Betsy Benac
Betsy Benac, Chairman

ATTEST: Angelina "Angel" Colonnese
Clerk of the Circuit Court

BY: _____

Angelina Colonnese
Deputy Clerk

EXHIBITS

Legal Description (Exhibit A)

General Development Plan (Exhibit B)

Exhibit "A" Legal Description

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 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; 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 S60°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 S63°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.

GENERAL NOTES:

- Existing Conditions:**
- Project acreage is 1,518.9 acres (966.6 acres in the watershed, 552.2 acres outside the watershed)
 - Property is currently used for agricultural, office and residential purposes.
 - Existing zoning is PDMU, PDMU/WP-E and PDMU/WP-E/ST. Future land use classifications, per the Manatee County Comprehensive Plan, are RES-1/WO, UF-3/WO and UF-3. Surrounding zoning and future land use classifications are shown on the GDP Page 2.
 - Topographic contours and elevations taken from Florida Geographic Data Library, Version 3 (2000).
 - The site lies in Flood Zones X, A, X500, and AE. Parcel Numbers include 1201530360C and 1201530370C.
 - There are no known significant historic resources or buildings on-site.

The following uses are allowable in the Commercial/Office parcels:

- Parcel A, 1**
- Agriculture and Short Term Agricultural Uses
 - Retail Sales including Neighborhood Convenience and Neighborhood General
 - Eating Establishment including Drive-Thru
 - Gas Pumps
 - Bank including Drive-Thru
 - Business Services
 - Health Services including Professional Office, Clinic, and Veterinary Clinic
 - Office
 - Dry Cleaners including Neighborhood and Pick-up
 - Food Catering
 - Printing, Small
 - Personal Service Establishment
 - Repair Service Establishment
 - Antenna, Monopole Telecommunications Towers w/ 3 or more Providers (200' max height), > 150' (200' max height), and < 150', and Camouflage Tower (max 150' in height) (Specific approval of these uses will require an administrative permit per Section 704.55.)
 - Cultural Facilities
 - Post Offices
 - Private and Public Community Use
 - Multi-Family Dwellings
 - Public Use Facilities
 - Radio, TV, Communications, Microwave Facilities
 - Utility Use
 - Land Reserves, Public or Private
 - Tree Farm
 - Minor Earthmoving
 - Low, Medium Intensity, and Passive Recreational Use
 - Churches or Other Place of Worship
 - Day Care Center including Large, Medium, Small, and Accessory
 - Schools including Elementary, Middle, High and Special Education

- Parcels B & D**
- Retail Sales including Neighborhood Convenience & Neighborhood General
 - Drive-Thru Eating Establishment
 - Eating Establishment
 - Gas Pumps
 - Bank & Bank Drive-Thru
 - Business Services
 - Professional Office
 - Clinic
 - Veterinary Clinic
 - Medical and Dental Laboratories
 - Dry Cleaners including Neighborhood, General, & Pick-up
 - Personal Service Establishment
 - Post Offices
 - Community Uses including Private and Public
 - Day Care Centers (Large, Medium, Small & Accessory)

- Parcel E**
- Retail Sales including Neighborhood Convenience and Neighborhood General
 - Eating Establishment
 - Gas Pumps
 - Bank including Drive-Through
 - Business Services
 - Health Services including Professional Office, Clinic, and Veterinary Clinic
 - Office
 - Dry Cleaners including Neighborhood and Pick-up
 - Personal Service Establishment
 - Private Community Use
 - Low Intensity and Passive Recreational Use
 - Day Care Center including Large, Medium, Small, and Accessory

- Parcel K**
- Short Term Agricultural Uses
 - Retail Sales including Neighborhood Convenience and Neighborhood General
 - Eating Establishment including Drive-Thru
 - Gas Pumps
 - Bank including Drive-Through
 - Business Services
 - Health Services including Professional Office, Clinic, and Veterinary Clinic
 - Office
 - Car Wash including Incidental and Full Service
 - Personal Service Establishment
 - Motor Vehicle Repair including Neighborhood Serving and Community Serving
 - Cultural Facilities
 - Post Offices
 - Public Use Facilities
 - Churches or Other Place of Worship
 - Day Care Center including Large, Medium, Small, and Accessory
 - Radio, TV, Communications, Microwave Facilities

The following Residential Support Uses are allowed in Residential parcels:

- Parcels A-2, C-1 through 4, F, G-1 through 9, J and I**
- Churches or Other Places of Worship
 - Day Care Centers including Large, Medium, Small and Accessory
 - Environmental Education Facilities
 - Schools of Special Education

Development Description:

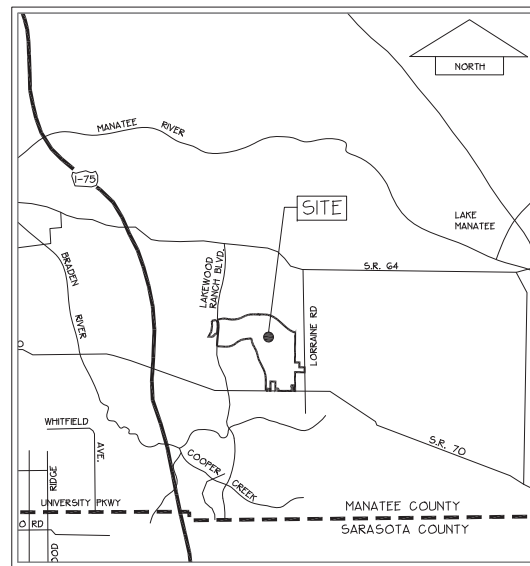
1. The development will include a maximum of 4,522 residential units (3,833 single family and 689 multifamily), 200,000 square feet of commercial, 105,000 square feet of office uses, and 20 acres of parks, including a 3-acre tot lot.

2. The development shall comply with the following dimensional criteria:

Type	Min. Lot Size (Sq. Ft.)	Min. Lot Width (Ft.)	Front Setback (Ft.)	Side Setback (Ft.)	Rear Setback (Ft.)	Max. Height (Ft.)
Single-Family Detached ^{aaa}	4,950	42	25/20	6 ^{aa}	15	35'
Single-Family Detached ^{aa}	9,000	76	25/20	6 ^{aa}	15	35'
Single-Family Detached ^{aaa}	9,000	80	25/20	7.5 ^{aa}	15	35'
Single-Family Attached ^{aa}	2,500	25	25/20	0/10 ^a	15	35'
Single-Family Semi-Detached ^{aa}	4,950	45	25/20	0/10 ^a	15	35'
Multi-Family	NA	NA	25	15/25 ^a	15	3 Stories/35'
Commercial/Office Parcels B and Parcel A1	7,500	NA	40	15	30	3 Stories/45'
Commercial/Office Parcel E	7,500	NA	40	15	20	4 Stories/60'
Commercial/Office Parcel F	7,500	NA	40	15	20	3 Stories/45'
Commercial/Office Parcel K	7,500	NA	40	15	20	2 Stories/30'
Park	NA	NA	25	15	15	35'
Residential Support Use	NA	NA	40	15	30	3 Stories/45'

- 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'.
- 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.
- Required setbacks are based on the dominant lot width for each subphase of development.
- 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.
- Zero Lot Line alternative allows a side setback of 11'1" (min.) with a building separation of no less than 12'.
- Zero Lot Line alternative allows a side setback of 14'1" (min.) with a building separation of no less than 15'.
- Zero Lot Line alternative allows a side setback of 19'1" (min.) with a building separation of no less than 20'.
- Use of the Zero Lot Line alternative must be dictated with the approval of a Preliminary Subdivision Plat and Preliminary / Final Site Plan.
- 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 unsecured 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.
- Office uses are permitted on commercial parcels.
- A vertical mix of land uses is permitted on Parcel A, 1, west of Lakewood Ranch Boulevard.
- If a vertical mix is designed on this parcel, it will include office or commercial land uses on the first floor and residential or office land uses on the upper floors.
- Group care homes, small and large, may be located in parcels A, 1, A, 2, G-5, G-8, G-9, I & J. The Height of any Group Care Home in residential parcels may be up to, but not exceed, 3 stories/35 feet.

GENERAL DEVELOPMENT PLAN FOR NORTHWEST SECTOR DRI



LOCATION MAP

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
REVISED: MAY 2012
REVISED: JULY 2012
REVISED: MAY 2013
REVISED: JUNE 2013

CLIENTS: SMR North 70, LLC

6. Proposed gross residential density is 2.9 du/acre. The net density is 4.5 units/acre.

Multifamily and Single Family units may be transferred between parcels A-2, G-1, G-2, G-3, G-7, 1 and J. This does not authorize an increase in the total number of units for the project, however the development of multiple parcels as a single community shall allow the blending of unit counts and types notwithstanding parcel boundaries as shown on the GDP.

Total wetland area is 129.3 acres.
Total non-residential acreage is 43.0 acres
Total non-residential square footage is 305,000 sq. ft.
Total wetland area in non-residential parcels is 9.9 acres.
Total wetland area in residential parcels is 119.3 acres.

7. The floor area ratio is 0.20 and will not exceed 0.23 on any individual lot.

8. Required Open Space:

Outside Watershed: 138.0 acres
Within Watershed: 338.1 acres
Total Required: 476.1 acres
Wetlands: 129.3 acres
Open space: 109.1 acres
Existing Lakes: 61.6 acres
Stormwater ponds: 91.7 acres
Upland Preservation: 53.6 acres

An additional 10% (of the parcel's upland area) of open space (lakes or uplands) will be provided within each development parcel as listed below:

Parcel A, 1: 1.9 acres
Parcel A, 2: 1.5 acres
Parcel B: 1.2 acres
Parcel C: 22.4 acres
Parcel D: 0.6 acres
Parcel E: 0.5 acres
Parcel F: 1.4 acres
Parcel G: 0.3 acres
Parcel H: 0.5 acres
Parcel I: 5.3 acres
Parcel J: 1.8 acres
Parcel K: 0.1 acres

Additional open space:

Total within parcels: 103.8 acres
Total open space: 538.98 acres or 35.5% of the entire project
Total open space in non-residential parcels: 25.3 acres
Total open space in residential parcels: 513.6 acres
Open space outside watershed 189.1 acres
Open space inside watershed 349.9 acres

Open Space may also include recreation amenities and water features to be designed with individual parcel development.

9. Screening and greenbelt buffers will be provided to meet or exceed Section 715 of the Land Development Code.

Detailed plans will be provided with the individual Preliminary and Final Site Plans, as applicable.

10. Roadway buffers will be provided pursuant to Section 715 of the Land Development Code. Detailed plans will be provided with the individual Preliminary and Final Site Plans, as applicable. The design and maintenance of the roadway buffers will be based on a unified landscape plan to be under the control of the property owner.

11. Utility easements shall be placed in accordance with Section 907.10 of the Land Development Code.

12. All streets will be 24-feet of pavement with 2-foot curb on both sides. Design of county streets will meet county urban standards.

13. Sidewalks shall be provided in accordance with Section 722.1.4 of the Land Development Code.

14. Signage will meet the requirements of Section 724 of the Land Development Code.

15. Lighting will meet the requirements of Section 709 of the Land Development Code.

16. Backflow preventors are required on all potable water services and are to be provided by the developer.

17. The irrigation source will be non-potable. Non-potable water lines will be purple in color. The irrigation source is the master irrigation system by SMR Communities.

18. Sewer and potable water service will be provided through connections to the public wastewater system.

19. There are no known existing covenants or deed restrictions that would at this time affect the proposed development.

20. Parcels have not been surveyed and acreages shown are approximate. Parcels are subject to future subdivision platting in accordance with the Land Development Code.

21. Stormwater management facilities will meet Section 717 of the LDC, the Manatee County Development Standards and SWFWMD requirements. If the stormwater system is designed to discharge into the IWO District, it shall meet or exceed the design standards of Chapters 62-3, 62-4 and 62-25 and local design standards for discharge into Outstanding Florida Waters.

22. Stormwater facilities are not shown, but will be provided upon detailed engineering design of the project.

23. Water, wastewater and irrigation lines are proposed within the rights of way for Lakewood Ranch Boulevard and Pope Road. These facilities exist within the right of way for Lakewood Ranch Boulevard.

24. Construction schedule: Project construction will take place as follows:

Land Use	PDA* 2007 - 2011	Phase I* 2007 - 2024	Phase II 2009 - 2028	Total
Residential (dwelling units) ¹				
Single Family (includes detached, attached town homes and semi-detached units)	800	2,411	1,422	3,833
Multifamily	-0-	689	-0-	689
Total	-	3,100	1,422	4,522
Commercial/Office (sq. ft.)				
Commercial	150,000	200,000	-0-	350,000
Office	-	105,000	-0-	105,000
Group Care Home	-0-	-0-	-0-	-0- ^{**}
Recreation				
Parks	-	9.2 acres	10 acres	19.2 acres
Golf Course	-	18 Holes	-0-	18 Holes

1. March 18th 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 Phase I and II.

2. Includes the option for a group care facility 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.

* The PDA land uses are included in the Phase I totals.

** Square footage to be determined by use of equivalency matrix.

25. All development parcels adjacent to agricultural uses at the time of Final Site Plan approval shall provide a 35' setback as required by Section 702.6.7.

26. The developer reserves the right to request street names through approval by the Board of County Commissioners as per Land Development Code section 742.5.

27. Prior to Final Site plan submittal, the applicant must submit to Manatee County Stormwater Engineering a project specific drainage plan for any proposed cottage/zero lot line products. At a minimum that plan shall include the following:

A. A minimum seven (7) foot wide Private Drainage Easement between each single-family detached residence. The Drainage Easement shall be for the use of collection and conveyance of runoff from each residence.

B. Detail of the location of any proposed fences and how they will facilitate drainage through them or away from them as the case may be.

C. Detail of how roof runoff will be directed to the side yard drainage easements from all sides of the structure.

D. A typical lot drainage plan and cross section(s) shall be provided for each single-family detached residence.

E. All elements of a structure's lot drainage system are to be constructed when that lot is constructed, including drainage swales on adjoining undeveloped lots, if required.

F. During infrastructure construction, all lots shall be rough graded to provide positive drainage runoff to respective streets, or connection to the stormwater management system.

28. All residential development shall be subject to the requirements of Land Development Code Sections 702.6.8 and 702.6.10, except as noted within the dimensional criteria under note 2, footnote 9.

29. Residential Support Uses are allowed in Parcels A-2, C-1 through C-4, F, G-1 through G-9, J and I. Churches and Other Places of Worship (excluding Large, Medium, Small and Accessory Day Care Centers) shall be allowed by Administrative Permit if locational criteria can be met, or by Special Permit if those criteria cannot be met, pursuant to Section 704.13.1 of the Land Development Code as may be amended. The square footage allocated to future large, medium and small day care centers, accessory day care centers, environmental education facilities and schools of special education are intended by this ordinance to be included within the entitlements already approved by the Northwest Sector DRI Development Order.

30. The maximum square footage for each commercial and office parcel, as identified on the GDP, may be increased provided that all dimensional criteria are met. This shall not authorize an overall increase of square footage for the Project. Such modification does not require the submittal or review of an amended GDP, but may be approved with a preliminary site plan or final site plan.

31. The maximum number of units for each residential parcel, as identified on the GDP, may be increased provided there is a simultaneous decrease on another residential parcel. This shall not authorize an overall increase in residential units for the Project. Such modification does not require the submittal or review of an amended GDP, but may be approved with a preliminary site plan or final site plan.

GENERAL DEVELOPMENT PLAN		NORTHWEST SECTOR DRI	
APPROVED	DATE	FILE NUMBER	
PROJECT PLANNER (PD)			
PROJECT ENGINEER (PE)			
CONCURRENCY (PC)			
ENVIRONMENTAL MANAGEMENT			
ENVIRONMENTAL HEALTH			
FIRE DISTRICT			
DEVELOPER			

Wilson Miller

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

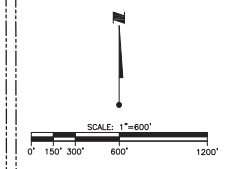
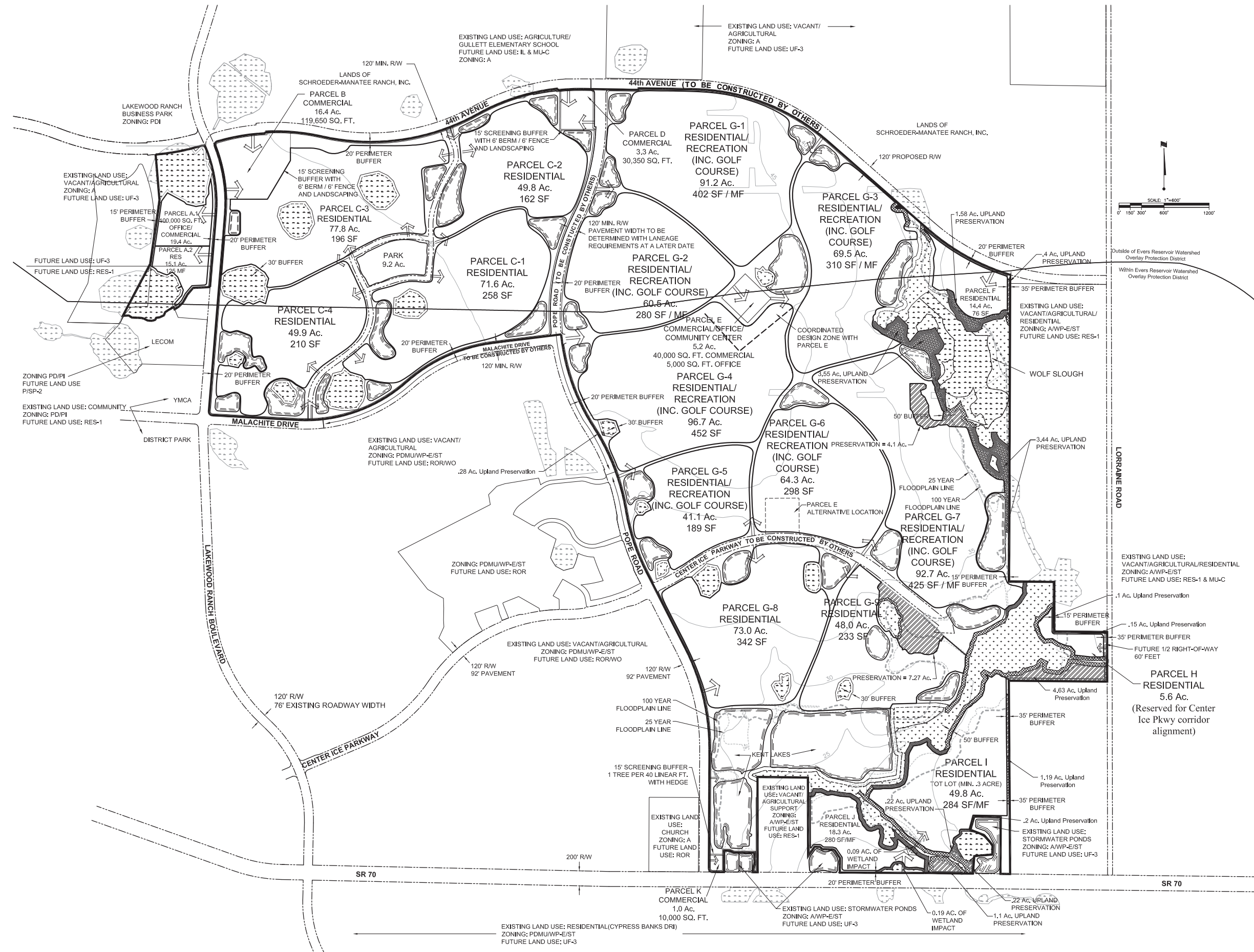
Wilson Miller, Inc.

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LAND USE SCHEDULE

USE	ACRES	SQ.FT.	UNITS
Residential			
Single Family (detached, townhomes and villas)			3,833
Multifamily			689
Total Residential	989		4,522
Commercial/Office	45.3	305,000	
Recreation	9.2		
Golf Course			18 Holes
Right-of-Way	39.9		
Wetlands	129.3		
Lakes	51.5		
Stormwater Ponds	91.7		
Open Space	109.4		
Upland Preservation	53.6		
Total	1,518.9	305,000	4,522



LEGEND

- Forested Wetlands
- Herbaceous Wetlands
- Wetland Impact
- Lakes
- Access Arrows
- Topographic Contours
- 25 Year Floodplain Line
- 100 Year Floodplain Line
- Pine Flatwoods Upland Preservation (within wetland buffers)
- Pine-Mesic Oak Upland Preservation (within wetland buffers)
- Pine Flatwoods Upland Preservation Area
- Pine-Mesic Oak Upland Preservation Area

REV. NO.	REVISION	DATE	DRAWN BY / EMP. NO.	CHECKED BY / EMP. NO.	WM APPROVED BY:
5	REVISE PER CLIENT	05/02/13	RTD/89450		
4	REVISE PER CLIENT (ADD MF CALLOUT TO G-1, G-2, G-3 AND G-7)	07/18/12	RTD/89450		
3	REVISE PER CLIENT	05/16/12	RTD/89450		
2	REVISE PER COMMENTS	10/04/11	RTD/89450		
1	CHANGES PER MC STAFF	7/19/06	RP/2362		

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CLIENT:	SMR NORTH 70, LLC	DATE:	JULY 2005	TITLE:	GENERAL DEVELOPMENT PLAN
PROJECT:	NORTHWEST SECTOR DRI	HORIZONTAL SCALE:	1"=500'	INDEX NUMBER:	04333-001-000
		VERTICAL SCALE:	N/A	SHEET NUMBER:	2 OF 2
		SEC. TWP. RGE:		CROSS REFERENCE FILE NO.:	
		PROJECT NUMBER:			



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 3, 2017

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Mr. Quantana Acevedo, Deputy Clerk

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance PDMU-05-19(G)(R8), which was filed in this office on November 3, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb