

MANATEE COUNTY ZONING ORDINANCE
PDMU-99-02(G)(R)
RIVER CLUB PARK OF COMMERCE

FILED FOR RECORD
T. B. SHORE

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C.E. SHAW, CLERK
MANATEE CO. FLORIDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING ORDINANCE PDMU-99-02(G) TO: DELETE THE 300 BED GROUP CARE FACILITY; LIMIT THE 60,000 SQUARE FEET OF MINI-WAREHOUSE SPACE TO THE NORTHERN PORTION OF THE SITE; ADD SINGLE-FAMILY ATTACHED RESIDENCES AS A PERMITTED USE; INCREASE THE NUMBER OF DWELLING UNITS FROM 450 TO 500; DELETE THE TIMING REQUIREMENT FOR ISSUANCE OF BUILDING PERMITS; DELETE THE REQUIREMENTS FOR THE DEVELOPER TO MAKE SPECIFIC CONTRIBUTIONS TO THE SCHOOL BOARD AND FIRE DISTRICT; MODIFY THE BUFFER REQUIREMENT ALONG I-75; MODIFY THE RIGHT-OF-WAY REQUIREMENT OF THE MAIN INTERNAL ROAD, AMEND VARIOUS OTHER STIPULATIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section 1. AMENDMENT AND RESTATEMENT OF ORDINANCE PDMU-99-02(G). Ordinance PDMU-99-02(G) is hereby amended and restated in its entirety below. The prior zoning ordinance (and site plan approved pursuant thereto) shall be superseded by this ordinance.

Section 2. DEFINITIONS. All capitalized terms used herein shall have the meanings set forth in River Club DRI Ordinance 01-46, as amended, 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, after considering the testimony, evidence, documentation, Application* for approval of a General Development Plan, 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 Board of County Commissioners has received and considered the report of the Manatee County Planning Commission, concerning the Application* to amend the General Development Plan for a Multi-Use Development.

B. The Board of County Commissioners held public hearings on November 3, 2005, and January 5, 2006, regarding the proposed Revised General Development Plan described herein, in accordance with the requirements of Manatee County Ordinance 90-01 (the Manatee County Land Development Code), as amended, and has further considered the information received at the public hearing.

C. The proposed amended General Development Plan and amended and restated Zoning Ordinance regarding the property described in Section 5 herein are found to be consistent with the requirements of Manatee County Ordinance 89-01 (the 2020 Manatee County Comprehensive Plan), as amended.

D. The applicant entered into an agreement with Braden Woods Homeowners Association dated September 16, 1999, which sets forth the specific requirements as between the parties for this project, which the County acknowledges as binding between the parties.

Section 4.

- A. The General Development Plan, dated September 1, 2005, entitled River Club Park of Commerce*, is hereby APPROVED to allow a Multi-Use development
- B. The previous ordinance [PDMU-99-02(G)] for River Club Park of Commerce, which was adopted on October 23, 2001, is hereby replaced in their entirety, provided this amendment shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(8) Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.
- C. Conditions

Note: An asterisk (*) in the text of this Ordinance denotes that the word is defined.

A. DEVELOPMENT APPROVAL AND LEVEL OF SERVICE CERTIFICATE CONDITIONS

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

| TABLE 1 - DEVELOPMENT TOTALS | | |
|---|---|-----------------------------|
| TYPE OF DEVELOPMENT: Multi-Use Development. | | |
| LOCATION: Southeast corner of the intersection of I-75 and S.R. 70 | | |
| LAND USE | TOTALS (Size/Units) | NET ACREAGE |
| Retail and Service Development (Furniture Store) (Uses listed in Stip L[2].d.1) | 425,000 sq. ft. (100,000 sq. ft) (325,000 sq. ft) | 91 acres |
| Office | 325,000 sq. ft. | |
| mini-warehouse | 60,000 sq. ft. | |
| Motel | 270 Rooms | |
| Residential -Multi-Family (Apts.)/single-family attached | 500 Dwelling Units | 57 acres |
| Right-of-way (main road), FP&L Easement, Wetlands, Borrow Pit & Open Space | | 99 acres |
| | | TOTAL = 245.38 acres |
| BUILD-OUT DATE | October 23, 2008 | |

- A(2). The development totals specified with Table 1 above are approved subject to the conditions found within this Ordinance and the transportation improvements required by Stipulation B(1) and Table 2.

- A(3). Every Preliminary Site Plan submitted to Manatee County shall contain a summary table of approved land uses to date, their corresponding total number of p.m. peak hour project trips expected to be generated (based upon the 6th Edition of the ITE Trip Generation Manual), and the cumulative totals of approved land uses, trip generation, potable water and waste water usage for River Club Park of Commerce*. This table shall be adjusted annually to reflect trips counted and reflected in the Annual Monitoring Report submitted in accordance with the project's DRI approval.
- A(4). All development which does not have a building permit prior to October 23, 2006, shall be subject to review and approval of a concurrency analysis. The additional Certificate of Level of Service shall require Board of County Commission approval.
- A(5). Any excess infrastructure capacity constructed to potentially serve development beyond that permitted with any Preliminary or Final Site Plan shall be at the Developer's* risk and shall not be construed to vest additional Vertical Development* construction rights.
- A(6). A master Preliminary Site Plan or multiple Preliminary Site Plans shall be submitted to the Board of County Commissioners for review and approval. The Board's review shall be to determine consistency with the approved General Development Plan and compatibility, design and quality, and relationship to the adjacent property.

The Boards review shall also include analysis of noise impacts, traffic management and improvement, and the ultimate right-of-way requirements for the ultimate design of the Interstate 75 (I-75) and S.R. 70 intersection.

The review shall also include analysis to determine the appropriate location of the internal north/south roadway to provide for the ultimate 10-lane configuration of I-75 while avoiding, eliminating and/or minimizing wetland impacts.

- A(7) 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(8) Until such time that the River Club DRI Development Order is amended (Ord. 01-46) so as to maintain internal consistency with this zoning ordinance, this project shall remain subject to all of the stipulations of Ordinance 01-46.

B. TRANSPORTATION CONDITIONS

- B(1). The following roadway and intersection improvements shall be required. The Developer* shall, at the time of each application for Preliminary Site Plan* approval, furnish to the County* an accurate, up to date report of the amount of development, defined in terms of total p.m. peak hour project trips*, identified in the DRI documentation, which has previously been permitted in the Project*. The Developer* shall not be entitled to a Preliminary Site Plan* approval which would result in the cumulative number of total p.m. peak hour trips for the Project* to exceed the applicable subphase total p.m. peak hour project trip transportation improvement thresholds unless Funding Commitments* have been obtained to ensure that the improvements required are in place Concurrent* with such subphase.

**Table 2
REQUIRED IMPROVEMENTS**

| | Location | Total Traffic LOS Prior to Improvement | Project Traffic Impact (Percent) | Required Improvement | When Required (total p.m. peak hour project traffic) |
|---|--------------------------------------|--|----------------------------------|---|--|
| 1. | S.R. 70/I-75 East Ramps Intersection | F | 50.7 | Add second NB I-75 to EB S.R. 70 RT lane | 1,314 (1) |
| | | | | Signalize the EB S.R. 70 to NB I-75 and NB I-75 to EB S.R. 70 intersections when warranted by the MUTCD and approved by FDOT. | 1,314 (1) |
| 2. | S.R. 70/87th Street Intersection | F | 39.0 | Add second NB to WB LT lane, while maintaining existing NB through lane and NB to EB RT lane. | 1,314 (1) |
| | | | | Add second WB to SB LT lanes, while maintaining existing two WB through lanes and WB to NB RT lane. | 1,314 (1) |
| | | | | Add two SB to WB RT lanes, while maintaining existing SB through lane and SB to EB LT lane. | 1,314 (1) |
| | | | | Add second EB to NB LT lane, while maintaining existing two EB through lane and EB to NB RT lane. | 1,314 (1) |
| | | | | Signalize | 1,314 or when warranted by the MUTCD and approved by FDOT. (1) |
| 3. | S.R. 70/I-75 West Ramps Intersection | F | 19.5 | Signalize the SB I-75 LT onto EB S.R. 70 when warranted. | 1,314 (1) |
| | | | | Add dual LT lane at SB I-75 off-ramp onto EB S.R. 70 | 1,314 (1) |
| 4. | Project's West access/S.R. 70 | | | Widen EB S.R. 70 to provide a deceleration and EB to SB right turn lane | Prior to first C.O. for Vertical Development* |
| ACRONYM LISTING: EB - East Bound MUTCD - Manual of Uniform Traffic Control Devices WB - West Bound LT - Left-Turn NB - North Bound RT - Right Turn SB - South Bound | | | | | |

| If requested by FDOT and Manatee County. If this improvement undergoes permitting from FDOT, an operational analysis will be required to show that the proposed geometrics will yield safe and efficient operation for design year traffic. This process may result in additional or alternative mitigation requirements.

(1) Represents 80% of Phase 1 total project traffic entering and exiting the development (i.e., 1,643 x 0.80 = 1,314 trips).

B(2). A monitoring program to verify that the actual number of trips generated by River Club Park of Commerce* reflective of the transportation analysis and subsequently prescribed mitigative measures shall be instituted by the Developer*. The program shall provide annual p.m. peak hour project driveway counts at locations identified on Exhibit D (attached). The monitoring program shall commence one (1) year after Vertical Construction* commences. Monitoring shall continue on an annual basis until Project* buildout.

The monitoring program shall consist of weekday PM peak hour directional counts from 4:00 to 6:00 PM, with subtotals at 15-minute increments, at the specified locations shown on Exhibit D (through volumes on S.R. 70 will not have to be counted.) The sum of the Project* entrance trips will be totaled in 15-minute increments and the highest four

consecutive 15-minute totals will be summed to determine the Project's* total PM peak hour traffic volume.

The required monitoring data shall be included in each Annual Report. If the monitoring results demonstrate that the Project* is generating more than five (5) percent above the number of trips estimated in the original analysis or an Annual Report is not submitted within 30 days of its due date, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), F.S., and may amend the Development Order and Zoning Ordinance to change or require additional roadway improvements. The revised Transportation Analysis shall be subject to review by all appropriate review entities.

- B(3) The Developer or its assignees shall be entitled to receive transportation impact fee credits to the extent permitted by Section 806 of the Land Development Code.
- B(4) Prior to the issuance of a Certificate of Occupancy for any non-residential building (excluding mini-warehouses) which individually or cumulatively exceeds 350,000 square feet, or 100 residential units, the access street which goes to the south to Linger Lodge Road shall be constructed to connect to Linger Lodge Road. A boulevard roadway (2, 24-foot wide roadways) from State Road 70 (S.R. 70) to Phase 6 may be permitted to serve as two means of access for up to 300 residential units in Phase 6 prior to the connection to Linger Lodge Road.
- B(5) Internal traffic safety and circulation improvements such as stop signs, traffic signals, and striping required by the Project* during the course of development shall be the responsibility of the Developer*.

C. ENVIRONMENT

C(1). Vegetation, Wildlife, and Wetlands*s

- a. In the event that any additional state or federally-listed species not already identified (Gopher Tortoises) are discovered on-site during Project* development, the Developer* shall immediately notify the Florida Fish and Wildlife Conservation Commission and Manatee County Planning Department and implement the recommended measures for species protection.
- b. A management plan for removal of nuisance and exotic species, shall be developed by the applicant and approved by the Planning Department prior to the first Final Site Plan approval for the Project* and included in the first annual report.
- c. Prior to recording of any Final Subdivision Plat (or approval of FSP if Platting is not required), the Developer* shall record Land Development covenants or deed restrictions designed to prevent homeowner's activities from degrading habitat.
- d. Post-development Wetlands*, upland conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes. These areas shall be placed under conservation

easements conveyed to Manatee County consistent with the restrictions on development provided for in Section 719 of the Land Development Code.

- e. The Developer* will relocate gopher tortoises to other suitable locations on site, as approved by the Florida Fish and Wildlife Commission, or contribute money to purchase suitable habitat in accordance with state guidelines and permit requirements.
- f. As part of the Developer's* ecosystem management plan, wildlife corridors shall be created, preserved, and maintained between Wetland* systems to provide habitat for various mammal, reptiles, and amphibians, as identified on Map F, dated February 15, 2000 (Exhibit B).
- g. The Developer* shall provide the Planning Department with a minimization and avoidance analysis concurrently with each Preliminary Site Plan*, for all Wetland* impacts, including those indicated in the Existing Wetlands* and Currently Anticipated Impacts Summary Table of the Second Sufficiency Response. Authorization of Wetland* impacts shall be based on the Developer's* ability to demonstrate minimization/avoidance of Wetland* impacts.
- h. Wetland* buffers shall be provided for all post-development jurisdictional Wetlands* in accordance with Section 719.11.1 of the LDC.
- i. Wetlands* mitigation shall be provided at a minimum ratio of 2:1 and 4:1 for herbaceous and forested Wetland* impacts, respectively, subject to modification if and as approved in the Land Development Code. Mitigation areas reflecting the above ratios shall be delineated on the Preliminary Site Plan*.
- j. Wetland* buffers shall be increased to a minimum width of 50' in areas of the site that contain existing Live Oak (FLUCCS 427) and Hardwood-Conifer Mixed (FLUCCS 434) communities and shall be shown on the Preliminary Site Plan*.
- k. All Wetland* buffers shall have signs posted depicting the purpose and intent of the buffer. Sign text and location shall be approved by the Director of the Environmental Management Department. The use of pesticides, herbicides, or fertilizers, unless part of an approved nuisance and exotic management plan, shall be prohibited in these buffers and the wetlands* they protect.

C(2). Air Quality

- a. Manatee County shall reserve the right to require mitigation measures or a revision of the site plan to alleviate potential negative impacts of the Project* on ambient air quality.
- b. Best Management Practices* shall be employed during site preparation and construction to minimize air quality impacts.
- c. Any open burning conducted on site as part of land clearing activities shall be permitted by EMD.

analysis shall be conducted in accordance with NELAP approved methodology. The laboratory performing the analyses shall be certified by the Florida Department of Health and shall have an approved comprehensive quality assurance plan on file with the FDEP. In the event that an overall watershed monitoring program and reporting program is implemented and satisfies the intent of the ongoing surface water monitoring program of this condition, the ongoing surface water quality monitoring program may be discontinued upon the recommendation and approval of such by the County*.

The stormwater management system shall be designed, constructed, and maintained to meet or exceed the applicable requirements of Chapter 62-25, 40D-4, and 62-40, F.A.C. The stormwater management system shall be designed to comply with the provisions relating to the Evers Reservoir Watershed Protection Overlay District by providing treatment, at a minimum, of 150% of that required by in Chapter 62-25 and 40D-4, F.A.C.

C(4). Soils

- a. Best Management Practices* shall be employed during site preparation and construction to prevent soil erosion.

D. ARCHAEOLOGICAL AND HISTORICAL RESOURCES.

- D(1). The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County in accordance with Rule 9J-2.043, FAC.

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, 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.

E. WASTEWATER MANAGEMENT

- E(1). Wastewater shall not be treated on-site or by a private utility.
- E(2). No septic tanks shall be installed on the River Club Park of Commerce* site.

F. WATER SUPPLY

- F(1). In the event that the use of reclaimed water is authorized within the Evers Reservoir Watershed and reclaimed water lines are installed adjacent to the site, the Developer* shall connect to the system and require utilization of this resource to the maximum extent possible for irrigation purposes. In the mean time, irrigation of landscaping shall be limited to the use of well water or stormwater.

- F(2). Water-saving devices shall be required in the Project* as mandated by the Florida Water Conservation Act (Section 553.14, F.S.).
- F(3). For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be required. The water conservation fixtures and measures (low water use toilets, shower heads, and other plumbing fixtures) referenced in the ADA* shall be required.
- F(4). The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.

G. SOLID/HAZARDOUS WASTE/MEDICAL WASTE

- G(1). In the event that hazardous materials or medical waste are located on the site, they shall be handled in a manner consistent with applicable Federal, State, and local regulations.

H. ENERGY

- H(1). The energy conservation measures shall include: individual meters for each retail facility; installation of energy saving equipment; regular maintenance of energy saving equipment; architectural design considerations; shielding of building exteriors from the direct effects of the sun to the maximum extent practical with landscaping and reduced lighting and cooling of buildings during non business hours.
- H(2). The Developer* shall use xeriscape landscaping wherever possible to reduce both water and energy consumption.

Landscape Plans shall incorporate the preservation of native vegetation and significant amounts of xeriscape landscaping to reduce both water and energy consumption.

- H(3). The Developer* shall encourage the use of water conserving landscapes and the responsible use of water, pesticides and fertilizers by occupants; and the Developer* shall participate in the Florida Yards and Neighborhoods Program and follow the guidelines for lawn and landscape maintenance set forth therein. These efforts shall be enforced through property owners' associations.

I. RECREATION AND OPEN SPACE

- I(1). The Developer* shall be responsible for the maintenance of all recreation and open space areas within the Project* site.
- I(2). Each residential development parcel shall provide a minimum of 1 acre of usable (upland) recreational area for each 225 units or fraction thereof. This area shall be exclusive of vehicle use areas.
- I(3). A system of bicycle and pedestrian trails shall be developed to link the residential, commercial and recreational areas. If bicycle trails are combined with the required sidewalk system, then it shall be designed and constructed with a minimum width of 8 feet. If it is not combined with the sidewalk, then a 4 foot wide lane shall be provided on each side of the roadway. Prior to the first Final Site Plan approval, a comprehensive pedestrian/bicycle plan shall be submitted and approved by Manatee County.

J. PUBLIC SAFETY

- J(1). The Developer* shall review the concepts of "fire safe communities" as provided by the Florida Division of Forestry, and implement all appropriate measures recommended by the East Manatee Fire Rescue District.

K. EDUCATION

- K(1). This project shall be subject to all school impact fees in effect at time of application of building permits.

L. GENERAL CONDITIONS

- L(1). With each Preliminary Site Plan* submittal, a Development Land Use Summary Table quantifying the total residential development and the total non-residential development, by use type, shall be provided to include the cumulative totals for each parcel and the Project* which have Preliminary Site Plan* approval.

- L(2). Non-Residential

a. Building Appearance

All building facades shall exhibit an aesthetically attractive appearance. Buildings visible from I-75 and S.R. 70 shall have their primary facade facing these roadways. The Developer* may meet the intent of this condition by buffering and screening to be reviewed and approved by the Planning Department. Design shall be subject to the following criteria and reviewed for compliance by staff with future Final Site Plan submittals.

1. The sides of all buildings shall have minimal blank walls no longer than 40 feet in length or 20 feet in height. In order to insure that the buildings do not project a massive blank wall, design elements shall include prominently visible architectural details [e.g. bumpouts, 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 100 feet in length shall have variation in 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 not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
3. All rooftop mechanical equipment shall be screened from view from I-75, S.R. 70, the internal collector street as shown on the GDP, and adjacent properties. Screening shall be provided by materials consistent with the building. Details shall be shown prior to Final Site Plan approval.

C(3). Water Quality and Stormwater Management

- a. An Environmental Assessment of the site shall be conducted by an Environmental Consultant to determine potential hazardous material locations (e.g., historical cattle dipping vats, underground/above ground storage tanks, or buried drums). Should evidence of hazardous material be discovered, further investigations will be required to determine the level of contamination and appropriate remediation/mitigative measures. The Environmental Assessment for the entire site shall be conducted and submitted for County* review prior to the first Preliminary Site Plan* approval. Development restrictions may be imposed if any contamination is discovered.
- b. An Integrated Pest Management Plan (IPMP) shall be developed and approved by Manatee County prior to the first Final Site Plan. The IPMP shall address the following items:
 - (1) Fertilizer/pesticide/herbicide/application; and
 - (2) Related quality control and assurance procedures.
- c. The Developer* shall encourage the use of water conserving landscapes and the responsible use of water, pesticides and fertilizers by occupants; and the Developer* shall participate in the Florida Yards and Neighborhoods Program and follow the guidelines for lawn and landscape maintenance set forth therein. These efforts shall be enforced through property owners' associations.
- d. In order to protect surface water quality, stormwater exiting the site shall meet or exceed all applicable State water quality standards.
- e. The design and construction techniques listed below shall be utilized to minimize groundwater contamination:
 - (1) using shallow ponds;
 - (2) ensuring that ponds and swales are properly grassed;
 - (3) setting a maximum depth for stormwater storage;
 - (4) maintaining a minimum distance between pond bottoms and the top of the confining layer for the Floridan aquifer; and
 - (5) implementation of a site-specific groundwater quality monitoring system.

A training manual shall be developed as part of the IPMP for maintenance personnel and made available on site at all times.

- f. Prior to any site alteration activities associated with the Project*, the Developer* shall implement a construction/ongoing surface water quality monitoring program approved by Manatee County's Environmental Management Department, the City of Bradenton, and the Southwest Florida Water Management District. The surface water quality monitoring program shall include an identification of the locations, frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements. All water quality sample collections and laboratory

b. Service Areas

1. All truck loading, service areas, outside storage, and parking of heavy equipment, semi trucks or trailers, or other vehicles over 1-1/2 tons shall not be located between the building and I-75, S.R. 70, or the internal collector street as shown on the GDP, or on any side of a building which is prominently visible to referenced roadways. This requirement may be modified by the Planning Department in cases where the Developer* meets the intent of the condition when adequate buffering and screening is provided.
2. Trash and garbage receptacles shall be screened with materials similar to the adjacent building facade and shall not be visible from I-75 or S.R. 70.

c. Height

1. The maximum building height shall be 35 feet, with the exception of the hotel or office use, which shall not exceed 4 stories.

Buildings within 100 feet of I-75 or S.R. 70 shall not exceed 30 feet in height, except for hotels and office buildings, which shall comply with the minimum front yard setback (or landscape buffer) specified on the GDP, plus 25 feet for each story over 2.

d. Use Limitations

1. Commercial in Phases 2, 4, and 5 shall be limited to the following uses listed in Figure 6-1 of the Land Development Code:
 - a. Retail Commercial Uses listed as permitted or administratively permitted in the General Commercial zoning district, with the exception of Farm Equipment and Supply Establishments and Motor Vehicle, MH/RV Sales, Rental, and Leasing Establishments.
 - b. Banking, Business and Health Services (except Hospitals and Nursing Homes), Hotels, Offices, Car Washes, Dry Cleaners, Small and Medium Printing, Personal Establishments, Rental and Repair Service Establishments, Neighborhood Serving Motor Vehicle Repair Establishments, Medium Intensity Recreational Facilities.
 - c. Mini-warehouse use
2. Reserved.
3. The maximum building area for Phases 2, 4, and 5 combined shall not exceed 400,000 square feet. An additional 160,000 square feet may be permitted for hotel or office use if built above the first level.

4. No development shall be approved in the portion of Phase 4 south of Phase 10.
- e. Mini-warehouse Design
1. Mini-warehouses within 150 feet of I-75 or S.R. 70 shall not exceed one story in height.
 2. Overhead doors shall not be visible from I-75 or S.R. 70.
- f. Fencing
1. Chain link fences shall not be visible from I-75 or S.R. 70.
- g. An 8-foot high solid wall shall be installed within the 30 foot buffer in Phase 5, north from the borrow pit to where the main internal road crosses the Florida Power and Light (FP&L) easement prior to the first Certificate of Occupancy for the project. This requirement may be waived or modified by the Planning Department if the applicant installs a similar wall on the east side of the FP&L easement pursuant to the applicant's agreement with the Braden Woods Homeowners Association dated September 16, 1999 and referenced in Section 3.D of this Ordinance.

L(3). Residential

- a. The maximum number of residential units shall be 500.
- b. Reserved.
- c. Residential restrictions
 1. Residential development shall be restricted to a maximum of 3 stories and height of 35 feet. Separation between multi-family buildings shall be a minimum of 30 feet.
 2. Reserved
 3. Prior to any Preliminary Site Plan approval for residential units a noise analysis shall be done based on the future 10 lane configuration of I-75 and anticipated traffic in 2025.

Manatee County Noise Level Criteria for the River Club DRI

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| * o r m o r e d e t a i e d i n f o r m a t i o n s e | <p>MANATEE COUNTY NOISE STIPULATION*</p> <p>No residential dwelling units shall be allowed in areas where the exterior noise level is;</p> <p>mLdn > 65 dBA.:</p> <p>o Leq design hour > 65 dBA: or</p> <p>r L10 design Hour > 68 dBA</p> <p>Unless protected by some performance equivalent measure to achieve;</p> <p>e Ldn # 65 dBA,</p> <p>a Leq design hour # 65 dBA, or</p> <p>i L10 design Hour # 68 dBA</p> <hr/> <p>NOISE REDUCTION REQUIRED*</p> <p>Sound attenuating barriers should be provided between the residential units and the noise source.</p> <p>Living areas shall be located and designed in a manner which orients the living areas and outdoor activity areas away from the noise source. Living areas include bedrooms, lanais, and florida rooms.</p> <p>Buildings shall be positioned to maximize the distance between the residential units and the noise source.</p> |
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e "The Noise Guidebook – A reference document for implementing the Department of Housing and Urban Development's Noise Policy", prepared by The Environmental Planning Division, Office of Environment and Energy.

4. All residential development adjacent to the north south roadway shown on the General Development Plan shall be designed as reverse frontage in accordance with the requirements of Section 907.7.4 of the Land Development Code.
5. The required second means of access for each portion the Project* shall be provided pursuant to Section 712.2.8 of the Land Development Code.
6. Phase 10 shall not exceed 60 dwelling units and the maximum building height shall not exceed 2 stories.

d. **Buffers and Open Space**

1. Greenbelt buffer along the east side of Phases 6, 7, 8, 9, and 10 shall be 30 feet wide in order to sufficiently preserve the trees adjacent to the FP&L easement and to screen development from the residential properties in Braden Woods. This buffer may be increased or decreased at time of Preliminary or Final Site plan if more or less width is needed to

preserve some of the trees to achieve the intent of this screening. Where the area is void of screening, trees shall be planted consistent with Sections 603.7.4.5 and 715.3.2.2. All building setbacks shall be measured from this greenbelt.

2. The perimeter buffer along I-75 and S.R. 70 shall be a minimum of 50 feet in width , except as approved by the Planning Director on the Final Site Plan to minimize wetland impacts. Where the roadway buffer is reduced to minimize wetland impacts, there shall be no other impacts to these wetlands from adjacent development. The applicant shall dedicate additional right-of-way on the east side of the road, commensurate with the buffer width reduction on the opposite side of the street. Unless otherwise approved by the Planning Department, existing native trees and shrubs within the buffers along I-75 and S.R. 70 shall be preserved. Additional canopy trees shall be planted within buffer areas that are substantially void of trees, or where the base of the trees closer than 50 feet apart do not already exist. Where new trees are required, they shall be installed for the entire development parcel, as identified on the General Development Plan, prior to the first Certificate of Occupancy for each parcel. Trees shall be at least 2½ inch caliper at time of installation.
3. Each non-residential parcel shall provide 35 percent landscaped open space and each residential parcel shall provide 40 percent landscaped open space. If a parcel is developed as sub parcels without a Preliminary Site Plan* for entire parcel, then each sub parcel shall provide the minimum required open space.
4. Parking which exceeds the requirements of Section 710 of the Land Development Code shall utilize a pervious surface such as paver blocks. Reductions in parking, permitted pursuant to Section 710. 1.4.6 of the Land Development Code, shall be compensated for by a corresponding increase in landscape open space for the parcel approval.
5. Prior to the first Final Site Plan approval for the Project*, the applicant shall quantify the number and sizes of trees that were removed to reconfigure the borrow pit and provide a tree replacement plan. These trees shall be planted prior to the first Certificate of Occupancy for the Project*.
6. A minimum of 30 percent of both the Live Oak (FLUCCS 427) and Hardwood - Conifer Mixed (FLUCCS 434) communities shall be preserved. Prior to the first Preliminary Site Plan approval south of Phase 4, the Developer* shall submit a Master Preservation Plan for the Planning Department's approval identifying and quantifying the preservation of these communities. All future site plan submittals shall demonstrate compliance with this Master Preservation Plan.
7. Any buffering commitments made by Manatee Joint Venture in the September 16, 1999 agreement shall be shown on all future site plans which include these areas.

L(4) Signs

- a. One freestanding pole sign per street frontage, in compliance with Section 737.5.3.3 shall be allowed per frontage for each parcel for Phases 2 and 5 combined, Phase 4, Phase 6, Phase 7, Phase 9, and Phase 10. Any additional signs that may be permitted along S.R. 70, I-75, or along any other street frontage shall be limited to ground signs, in compliance with Section 737.5.3.3.

- L(5) Prior to approval of any Preliminary Site Plan for development, a Pedestrian Circulation Plan for River Club 1 and River Club 2, including Braden Woods, shall be submitted for review and approval by the Board of County Commissioners. The Plan shall specify the time for construction of proposed sidewalks. Contributions to the sidewalk fund may be proposed to facilitate coordinated construction with road improvements. The Pedestrian Plan may be submitted in components addressing each part of development. The Pedestrian Plan shall address anticipated visual impacts associated with the loss of any trees or vegetation.

- L(6) The design and shielding of any on-site lighting shall comply with Section 709.2.2. In addition, building mounted lights shall be limited to 20 feet in height and directed to the interior of the development using horizontal cut-off fixtures. The maximum height may be increased to 25 feet with Board of County Commission approval at the time of Preliminary Site Plan approval.

- L(7) The applicant shall dedicate additional right-of-way along the east side of I-75 to accommodate a 250-foot half section. In order to accommodate this dedication, the applicant shall:

- a. Shift the north south internal road to the east so that, it does not overlay with the 250 foot dedicated I-75 right-of-way, except as may be specifically approved by the Board of County Commission with Preliminary Site Plan to avoid wetland impacts.
- b. Dedicate additional right-of-way on the east side of the north south internal road where this road abuts the two wetlands in Phases 4 and 6, to accommodate the potential shifting of this road if needed for the I-75 expansion; and
- c. Shift the residential and office development where necessary to accommodate the additional right-of-way dedication.

The applicant agrees to enter into an agreement with Manatee County prior to the approval of the first Final Site Plan to reserve additional right-of-way along the east side of I-75 to accommodate a 250-foot wide half section. The agreement shall also provide for the applicant to dedicate the property within the reserved area to FDOT for the future expansion of the I-75 right-of-way within 30 days after inclusion of the subject road improvement in the adopted FDOT Work Program. The agreement shall be reviewed as to form by the County Attorney and in proper recordable form and shall be recorded by the applicant in the Public Records of Manatee County prior to Final Site Plan approval.

The applicant shall not be entitled to any impact fee credits from the county for dedication of right-of-way pursuant to the stipulation.

Where the buffer between I -75 and the north south internal road is reduced to less than

50 feet, a 20 foot wide buffer, pursuant to Section 737.5, shall be provided on the east side of the north south internal road.

Native trees and shrubs within the original 50 foot buffer shall be preserved and planted pursuant to Stipulation L(3).d.2, until the 250 foot half section is dedicated to FDOT and required by FDOT for I-75 roadway expansion.

Calculations for open space and density are to be based upon total project acreage prior to dedication.

DEFINITIONS

- A. "Best Management Practices" shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code.
- B. "Concurrent" shall mean that public facilities and services are available within a "reasonable time frame", as defined in the Manatee County Comprehensive Plan, to serve/mitigate the Development's impacts. A reasonable time frame for transportation facilities shall be roadways or roadway improvements that are scheduled for construction completion within the first two years of the Manatee County Comprehensive Plan Capital Improvements Element, or roadways or roadway improvements currently under construction or scheduled for construction completion within the one year of FDOT's Adopted Five-Year Work Program. In addition, roadways or roadway improvements to be constructed pursuant to a local government development agreement shall be deemed to be within a reasonable time frame if the agreement is in compliance with the standards of Rule 9J-5.0055(2)(a)4., F.A.C. and the agreement guarantees that the necessary facilities will be in place when the impacts of the development occur.
- C. "County" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
- D. "Developer" shall mean River Club Properties, Inc. and PG Farms, their heirs, assigns, designees, agents, and designated successors in interest as to the River Club Park of Commerce* DRI and the Four Acre Out Parcel*.
- E. "Development Approval*" shall mean any approval for development granted through this DRI Development Order, the Preliminary Site Plan*, Preliminary Plat, Final Plat, or Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
- F. "Four Acre Out Parcel*" (AKA Tract I Four Acre Out Parcel*), shall mean that portion of Tract I* of River Club, located at the southeast intersection of S.R. 70 and Braden Run, as described in Section 6 of the Development Order.
- G. "Funding Commitments*" shall mean to assure completion of any improvement required by this Development Order, or any combination of the following:
 - 1. Binding commitments for actual construction with a posting of a cash bond, irrevocable letter of credit, or other financial instrument, in a form satisfactory to the County*; or

2. Actual construction; or
 3. The placement of the improvements in the capital improvements work plan of a responsible entity for construction during the fiscal year when the improvement is required, as long as the improvement is within the first two years of the responsible entity's work plan at the time of Preliminary Site Plan* approval of a subphase or phase; or
 4. A local development agreement as defined by Florida Statutes or the Land Development Code. The funding commitment shall guarantee that the improvement will be in place when needed or concurrent with the expected impacts of the development.
- H. "Owner" shall mean River Club Properties, Inc. and PG Farms, their heirs assigns, designees, agents, and successors in interest as to the River Club DRI.
- I. "Preliminary Site Plan*" (PSP*) shall mean a Preliminary Site Plan* for a Phase or Sub-Phase as defined in The Manatee County Land Development Code (Ordinance 90-01, as amended).
- J. "Project*" shall mean the land uses by area, square footage, and density described in the ADA** to be constructed on the real property described in Section 3 herein.
- K. "River Club Park of Commerce*" shall mean the real property described in Section 3 of the Development Order, including that portion of Tract I* of River Club DRI known as the Four Acre Out Parcel*.
- L. "Vertical Development" or "Vertical Construction" shall mean and be deemed to include the construction of or the addition to any existing structure.
- M. "Warranted" shall mean a determination by the County* 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.
- N. "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.

Note: An asterisk (*) in the text of this Ordinance denotes that the word is defined.

SECTION 5. LEGAL DESCRIPTION.

RIVER CLUB PARK OF COMMERCE*

DESCRIPTION:

FROM THE N.W. CORNER OF BLOCK 1 OF BRADEN WOODS SUBDIVISION, PHASE I, AS RECORDED IN PLAT BOOK 21, PAGE 5 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING THE N.E. CORNER OF BRADEN WOODS SUBDIVISION, PHASE V AS RECORDED IN PLAT BOOK 22, PAGE 97 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 70°20'03" W, ALONG THE BOUNDARY OF SAID BRADEN WOODS SUBDIVISION, PHASE V A DISTANCE OF 1036.13 FEET TO THE EAST LINE A 330 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID BOUNDARY THE FOLLOWING FOUR COURSES; N 70°20'03" W, A DISTANCE OF 30.00 FEET; THENCE S 28°55'06" W, A DISTANCE OF 464.42 FEET; THENCE S 01°11'43" W, A DISTANCE OF 1286.17 FEET; THENCE S 00°36'23" W A DISTANCE OF 1331.85 FEET; THENCE S 89°37'50" E, A DISTANCE OF 244.50 FEET TO THE N.W. CORNER OF BRADEN WOODS SUBDIVISION, PHASE III, AS RECORDED IN PLAT BOOK 21, PAGE 129 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00°36'23" W, ALONG THE WEST LINE OF SAID SUBDIVISION AND THE WEST LINE OF BRADEN WOODS SUBDIVISION, PHASE IV, AS RECORDED IN PLAT BOOK 21, PAGE 159 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 3884.79 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 93 (I-75) SECTION 13075-2402; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWELVE COURSES: N 83°02'44" W, A DISTANCE OF 569.68 FEET; AND N 89°32'55" W, A DISTANCE OF 260.89 FEET; AND N 13°41'35" W, A DISTANCE OF 2043.30 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 11329.16 FEET; AND NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°36'40", A DISTANCE OF 2889.07 FEET TO THE END OF SAID CURVE; AND N 03°24'57" E, A DISTANCE OF 304.84 FEET; AND N 01°15'18" E, A DISTANCE OF 1199.68 FEET; AND N 03°12'44" E, A DISTANCE OF 395.97 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 85°05'19" E, AT A DISTANCE OF 5635.58 FEET; AND NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°40'21", A DISTANCE OF 951.38 FEET TO THE END OF SAID CURVE; AND N 37°47'42" E, A DISTANCE OF 221.34 FEET; AND N 84°10'55" E, A DISTANCE OF 221.34 FEET; AND S 72°37'29" E, A DISTANCE OF 748.74 FEET; AND S 70°20'03" E, A DISTANCE OF 400.00 FEET TO THE END OF SAID RIGHT OF WAY LINE; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 70 (SECTION 13075-2403) THE FOLLOWING TWO COURSES; CONTINUE S 70°20'03" E, A DISTANCE OF 60.00 FEET; AND N 19°39'57" E, A DISTANCE OF 12.41 FEET TO THE AFORESAID EAST LINE OF A 330 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE S 01°11'43" W, A DISTANCE OF 685.74 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 13 AND 24, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO A 330 FOOT WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT, A D.O.T. ACCESS RIGHT OF WAY (O.R.B. 977/362), A COUNTY MAINTAINED RIGHT OF WAY, AND ANY OTHER PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 245.38 ACRES, MORE OR LESS.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED WITH A QUORUM PRESENT AND VOTING BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THIS THE 5th DAY OF JANUARY, 2006.

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

By: Joe McClash
Chairman

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

By: Auson P. Romo
Deputy Clerk



EXHIBITS A, B, C, AND D

ARE NOT ATTACHED BUT ON FILE AT THE CLERK'S OFFICE AS ATTACHMENTS TO THE PREVIOUSLY APPROVED ORDINANCE 01-46 APPROVED ON DECEMBER 4, 2001.



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 20th day of January, 2006

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.

FILED FOR RECORD
R. B. SHORE

2006 FEB -1 AM 10: 23

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

January 24, 2006

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated January 20, 2006 and certified copies of Manatee County Ordinance Nos. 05-41, Z-84-76(R6) and PDMU-99-02-(G)(R), which were filed in this office on January 23, 2006.

As requested, the date stamped copies are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/kcs

Enclosures

STATE LIBRARY OF FLORIDA
R.A. Gray Building • Tallahassee, Florida 32399-0250 • (850) 245-6600
FAX: (850) 488-2746 • TDD: (850) 922-4085 • <http://www.dos.state.fl.us>
 LEGISLATIVE LIBRARY SERVICE RECORDS MANAGEMENT SERVICES FLORIDA STATE ARCHIVES
(850) 488-2812 • FAX: (850) 488-9879 (850) 487-2180 • FAX: (850) 413-7224 (850) 245-6700 • FAX: (850) 488-4894
 ADMINISTRATIVE CODE AND WEEKLY
(850) 245-6270 • FAX: (850) 245-6282