

MANATEE COUNTY ORDINANCE NO. Z-86-30(R<sup>2</sup>) CYPRESS BANKS

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE NO. Z-86-30(R), AS AMENDED, TO AMEND CONDITIONS B.(3), C.(2), C.(3), H.(19) AND EXHIBIT D, AND ADDING NEW CONDITION #65; PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD  
R.D. SHORE  
CLERK CIRCUIT COURT  
MANATEE COUNTY FLORIDA  
JUN 6 4 55 PM '94

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

Section 1. FINDINGS OF FACT The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of Ordinance Z-86-30(R), as amended, the recommendation and findings of the Planning Commission of said County as well as all other matters presented to said 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 amendment to Z-86-30(R), as amended, to amend conditions B.(3), C.(2), C.(3), H.(19) and Exhibit D, and adding new condition #65.

B. The said Board of County Commissioners held Public Hearings on April 28, 1994 and May 26, 1994 regarding said proposed amendment to approved Manatee County Ordinance No. Z-86-30(R), as amended, described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said Public Hearings.

C. The proposed amendment to Ordinance Z-86-30(R), as amended, regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance 89-01, the Manatee County Comprehensive Plan.

D. The Public Hearings referenced above have been conducted in conjunction with public hearings upon an Application for the Notice of Proposed Change (NOPC) for the same development project, submitted pursuant to Chapter 380, Florida Statutes.

Section 2. Conditions B.(3), C.(2), C.(3), H.(19) and Exhibit D, of Manatee County Ordinance Z-86-30(R), as amended, are hereby amended and adding new condition #65, to read in their entirety as follows:

B.(3) The Developer\* shall submit a Preliminary Development Plan\* or Preliminary Master Development Plan\* for the development within twenty-four (24) months of Development Order approval. Preliminary Development Plan\* applications for Phases 2, 3 and 4 shall be submitted within six (6) months of the anniversary date of the submittal of the first Preliminary Development Plan\* or Preliminary Master Development Plan\* coinciding with the Phasing time schedule shown in "Exhibit D". The Developer\* shall complete or demonstrate substantial progress toward infrastructure and building permit applications. Failure to meet this schedule may require a revised and updated Traffic Study\* prepared in accordance with the provisions of Paragraph C.(2) to demonstrate that Acceptable Levels of Service\* are still projected to exist at the time building permits are issued. The determination that a revised and updated Traffic Study\* is required shall be made by the Board of County Commissioners at a public hearing with notice to the Developer\* upon recommendation by the Director of the Planning, Permitting and Inspections Department after consultation with the County Transportation Authority\*.

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SECRETARY OF STATE

If the Traffic Study\* indicates that an Acceptable Level of Service\* is not being maintained, or is projected to be unacceptable at the time of Final Approval, failure to meet the time schedule set forth above shall result in the withholding of future building permits for Phase I and subsequent Phases, until an Acceptable Level of Service\* is obtained, or other commitments are made as set forth in paragraph C.(3).

- C.(2) Traffic Studies\* will be required with each application for Preliminary Development Plan\* Approval pursuant to the Manatee County Comprehensive Zoning and Land Development Code (LDC). Such studies shall be designed to determine the specific roadway improvements required for subsequent PDP approval to determine if the traffic generated by the proposed PDP in combination with prior approvals of this project will be five percent (5%) (or whatever greater percentage may be employed from time to time by the Tampa Bay Regional Planning Council [TBRPC] or Manatee County) or greater than the Service Volume as defined by the 1985 Highway Capacity Manual of any roadway segment or intersection in the Transportation Impact Area\* and generally depicted on Map J ("Exhibit B"). Such studies shall use a methodology acceptable to the County Transportation Authority\*, TBRPC and DCA. Any such Traffic Study\* shall consider traffic to be generated by the proposed PDP, existing traffic, and traffic anticipated from all prior Development Approvals\* impacting the same roadway.

The Developer\*, at his option, may update and verify to the Manatee County Transportation Authority\* and the Planning and Zoning Department that the existing traffic study continues to represent the traffic situation as it exists at the time of Preliminary Development Plan\* application approval. The traffic study that will be verified and updated must represent the Phase of development in which the portion of the project referenced is part. That is, the Developer\* will be required to provide updated traffic studies coinciding with the Phase schedule provided in "Exhibit D". (Manatee County Planning and Zoning)

- C.(3) Transportation Conditions:

a. Approval of the 1405 residential units in Phase I

1. The Developer\* has demonstrated the availability of adequate infrastructure for roadway capacity for the 1405 residential units in Phase I and is hereby issued a Level of Certificate of Service for traffic which shall expire November 15, 2000. The Certificate is conditioned upon the completion of River Club Boulevard to its connection with Upper Manatee River Road, and Upper Manatee River Road as a two-lane roadway from the southern terminus of River Club Boulevard to University Parkway east of Interstate 75, prior to the approval of the final plat for the 795th residential unit.

The Developer\* shall prepay transportation impact fees in the amount of \$913,469.00. Payment of the full amount shall be made by the Developer\* to Manatee County in the form of a certified or cashier's check on or before January 31, 1995. There shall be no reduction in the amount payable if the Owner elects not

to construct the 1405 residential units in Phase I, as the contribution to ensure the infrastructure improvements are necessary to insure adequate capacity on the affected roadways.

Manatee County shall utilize the Developer's\* payment to obtain right of way for the construction of improvements to State Road 70 in the area between U.S. 301 and I-75.

The Developer\* shall be entitled to transportation impact fee credits for residential units in Phase I once payment is made, provided said credit does not exceed the amount of \$913,469.00.

## 2. TRANSPORTATION MONITORING

One month after Certificates of Occupancy have been issued for the equivalent of one-third of the 1405 residential dwelling units in Phase I (468 dwelling units) or prior to final site plan approval for the 936 dwelling units in Phase I, whichever comes first, a transportation monitoring program shall be initiated. Results shall be included with each application for site plan approval and applicable annual report thereafter.

- (a) Peak-hour traffic counts at the project entrances to verify that the projected number of external trips for the development are not exceeded. Counts may be required on a periodic basis until the expiration date of the Development Order as determined by Manatee County pursuant to the results of the counts and development generated traffic. Said counts shall not be required more frequently than annually. If any report indicates that the total project P.M. peak-hour trips on any link designated in the phase one traffic study trip distribution exceed projected counts by more than 10 percent, Manatee County shall require a revised traffic analysis. If the variance is determined to be a significant deviation, a revised transportation analysis shall be required. The analysis shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The County shall amend the Certificate of Level of Service to change or require additional roadway improvements, if Warranted\*, prior to any further final site plan approvals.
- (b) If monitoring indicates that expected project P.M. peak-hour traffic counts are being exceeded by ten (10) percent pursuant to the revised traffic analysis submitted with this amendment, then the Developer\* shall conduct a traffic analysis, subject to County methodology, to determine an Acceptable Level of

Service\* on affected roadways and intersections. In order for the intersections to operate as shown in the Developer's\* submittal, adequate storage must be provided. If deficiencies are identified in storage lengths, the Developer\* will be responsible for providing adequate storage before further site plan approvals.

b. Approval of each Preliminary Site Plan, except for the 1405 residential units in Phase I, shall be contingent upon satisfaction of one of the following:

1. All of the Warranted\* improvements to prevent degradation of Acceptable Level of Service\* within the Traffic Impact Area\* are scheduled for construction commensurate with the buildout schedule for the applicable phase through a funding mechanism and sources acceptable to Manatee County. Funding mechanisms and sources acceptable to Manatee County shall include state commitments to the improvements within a 5-year capital improvement program, other local government programming of construction of the improvements within a 5-year program, Manatee County's inclusion of construction of the improvements in the 5-year capital improvements program, or local development agreements pursuant to Section 5.1.6.2 of the Manatee County Comprehensive Plan; OR
2. Approval and development of the Preliminary Development Plan\* shall not generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other Development Approvals\*, will have the probable result of causing or contributing to the degradation of the Acceptable Level of Service\* on roadway segments and intersections within the Transportation Impact Area\*; OR
3. The Developer shall submit a 380.06 traffic analysis to identify transportation impacts and shall amend the development order to incorporate the necessary mitigation requirements. The Developer shall be entitled to utilize any mitigation option deemed appropriate by Manatee County which is consistent with the requirements of Chapter 380 and the rules and policies of the TBRPC and DCA.

H. (19) This Development Order shall expire on August 7, 2014.

65. Residential development shall comply with the following dimensional standards:

TYPE	MINIMUM LOT SIZE	MINIMUM LOT WIDTH	FRONT SETBACK (FT.)	SIDE SETBACK (FT.)	REAR SETBACK (FT.)
SF Small	5,600 SF***	50'	20/15 *	5**	15
SF Mid	9,000 SF	80'	25/20 *	8	15
SF Large	11,250 SF	100'	25/20 *	8	15
Zero Lot	4,950 SF***	45'	20/15 *	0/10	15

- \* Front setback for units with side entry garages.
- \*\* Measured from the leading edge of the roof overhang to the property line.
- \*\*\* No more than 50% of the units in each phase shall be less than 6000 square feet in lot area.

**EXHIBIT D**

**CYPRESS BANKS DEVELOPMENT  
PROPOSED PHASING SCHEDULE**

PHASE***	COMMERCIAL USE	RECREATION USE	DWELLING UNITS
I (1990- August 7, 2000)	Resort Center*	Tennis Complex First and Second Golf Course (18 Holes Each) Religious Center	1405**
II (August 7, 2000-2005)	203,500 s.f. Community Shopping	Third Golf Course (18 Holes) Equestrian Center	1405
III (August 7, 2005-2010)			1406
IV (August 7, 2010-2014)			1406
		TOTAL	5622

- \* Includes 27,000 s.f. of Specialty Retail.
- \*\* 300 rooms in Resort Hotel - Hotel does not count as dwelling unit. A minimum 100 units shall be multi-family.
- \*\*\* The original phasing Schedule was based upon the projections in the ADA - with a completion date of 2006.

Section 3. All other provisions of Manatee County Ordinance No. Z-86-30(R), as amended, shall remain in full force and effect. In the event there is an inconsistency between the terms of this Ordinance and the Ordinance referred to above, the terms of this Ordinance shall control.

**Section 4. LEGAL DESCRIPTION**

That part of Section 17, Township 35 S, Range 19 E, lying south of State Road No. 70.

ALSO: That part of Section 20, Township 35 S, Range 19 E, lying south of State Road No. 70.

ALSO: That part of Section 21, Township 35 S, Range 19 E, lying south of State Road No. 70.

ALSO: That part of Section 22, Township 35 S, Range 19 E, described as follows:

Begin at the southwest corner of said Section 22; thence S 89°29'58" E., along the south line of said Section 22, 100.00 feet, thence N 00°30'04" E., parallel with the west line of said Section 22 and 100.00 feet, easterly therefrom. A distance of 2,397.34 feet, the P.C. of a curve, concave to the southeast having a radius of 950.00 feet; thence run northeasterly. Along the arc of said curve, through a central angle of 68°46'17", a distance of 1,140.27 feet, to the PRC of a curve, concave to the northwest having a radius of 1,050.00 feet; thence run northeasterly along the arc of said curve, through a central angle of 68°37'34", a distance of 1,257.64 feet; thence S 89°21'12" E., parallel with the south R/W

of State Road No. 70, and 900.00 feet southerly therefrom, a distance of 872.00 feet, thence N 00°38'48" E., perpendicular with said south R/W, 900.00 feet to the intersection with the south R/W of said State Road No. 70, thence N 89°21'12" W., along said south R/W; 2,250.12 feet to the intersection with the west line of said Section 22; thence S 00°30'04" W, along said west section line, 5162.33 feet to the P.O.B.

ALSO: The north 3,077.34 feet of the west 1/2 of Section 28, Township 35 S., Range 19 E.

ALSO: The NW 1/4 and the north 1/2 of the NE 1/4 of Section 29, Township 35 S., Range 19 E.

Less the following described land: Commence at the northeast corner of Section 20, Township 35 S., Range 19 E., also being the northwest corner of Section 21, Township 35 S., Range 19 E; thence S 00°05'32" W. along the common line between Section 20 and 21, 1,010.00 feet for a P.O.B.; thence S 66°05'32" W, 280.00 feet; thence S 23°54'28" E, 628.89 feet to the intersection with said common line between Section 20 and 21; thence S 00°05'32" W, along said common section line, 450.00 feet; thence S 64°54'28" E, 580.00 feet; thence N 25°05'32" E, 917.59 feet; thence N 23°54'28" W, 875.72 feet; thence S 66°05'32" W, 610.00 feet to the P.O.B., being and lying in Section 20 and 21, Township 35 S., Range 19 E., Manatee County, Florida. Containing 1,762.80 acres more or less.

ALSO: P.D.G. DESCRIPTION: CYPRESS BANKS PROPOSED: Commence at the northeast corner of Section 20, Township 35 S., Range 19 E., also being the northwest corner of Section 21, Township 35 S., Range 19 E.; thence S 00°05'32" W, along the common line between Section 20 and 21, 1,010.00 feet, for a P.O.B.; thence S 66°05'32" W, 280.00 feet; thence S 23°54'28" E 628.89 feet to the intersection with said common line between Section 20 and 21; thence S 00°05'32" W, along said common section line, 450.00 feet; thence S 64°54'28" E, 580.00 feet; thence N 25°05'32" E, 917.59 feet; thence N 23°54'28" W, 875.72 feet; thence S 66°05'32" W, 610.00 feet to the P.O.B., being and lying in Section 20 and 21, Township 35 S, Range 19 E., Manatee County, Florida. Containing 26.20 acres more or less.

All of the above being and lying in Township 35 South, Range 19 East, Manatee County, Florida. Containing 1,790 acres, more or less.

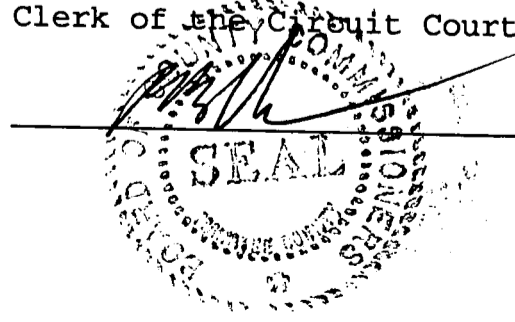
Section 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 26th day of May, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Joe McClash  
Joe McClash, First Vice-Chairman

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



STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true copy of ORDINANCE NO. Z-86-30(R<sup>2</sup>) adopted by the Board of County Commissioners of said County on the 26 day of May, 1994, this 1st day of June, 1994, in Bradenton, Florida.  
R. B. Shore  
Clerk of Circuit Court  
By: R. B. Shore D.C.



FLORIDA DEPARTMENT OF STATE

Jim Smith, Secretary of State  
DIVISION OF ELECTIONS  
Bureau of Administrative Code  
The Elliot Building  
Tallahassee, Florida 32399-0250  
(904) 488-8427

June 6, 1994

FILED FOR RECORD  
R.B. SHORE  
CLERK OF CIRCUIT COURT  
MANATEE COUNTY, FLORIDA  
JUN 8 4 55 PM '94

Honorable R. B. "Chips" Shore  
Clerk of the Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Robin Liberty, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of June 1, 1994 and certified copy of Manatee County Ordinance Number Z-86-30(R2), which was received and filed in this office on June 6, 1994.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosure (1)