

**MANATEE COUNTY ORDINANCE
PDR-17-35(G)(R) – LORRAINE LAKES (F.K.A THE WOODLANDS AT
LAKEWOOD RANCH) /SMR NORTHEAST, LLC (PLN1902-0120)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING ZONING ORDINANCE NO. PDR-17-35(Z)(G) TO AMEND A GENERAL DEVELOPMENT PLAN (LARGE PROJECT) TO ALLOW A PERSONAL WIRELESS SERVICE FACILITY IN ADDITION TO THE PREVIOUSLY APPROVED 1,500 SINGLE-FAMILY RESIDENTIAL UNITS (DETACHED, SEMI-DETACHED, AND ATTACHED) ON AN APPROXIMATELY ±545.01 ACRE SITE ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/WATERSHED PROTECTION EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS), AND GENERALLY LOCATED 1,325 FEET EAST OF LORRAINE ROAD, APPROXIMATELY 0.6 MILES NORTH OF SR 70, AND 1.5 MILES SOUTH OF SR 64 E, AT 4715 AND 4821 LORRAINE ROAD, 5897 POST BOULEVARD, AND 5010 UIHLEIN ROAD, BRADENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, SMR Northeast, LLC (the “Applicant”) filed an application to amend Zoning Ordinance and a General Development Plan (Large Project) to allow A Personal Wireless Service Facility in addition to the previously approved 1,500 Single-Family Residential Units (Detached, Semi-Detached, and Attached) an approximately ±545.01 acre site zoned PDR (Planned Development Residential) and PDR/WP-E/ST (Planned Development Residential/Watershed Protection Evers/Special Treatment Overlay Districts), described in Exhibit “A”, attached hereto, (the “Property”); and

WHEREAS, the Building and Development Services Department staff recommended approval of the amended Zoning Ordinance and General Development Plan applications subject to the stipulations contained in the staff report; and

WHEREAS, the Board of County Commissioners, after due public notice, held a public hearing on May 2, 2019 to consider this amended Zoning Ordinance and General Development Plan.

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

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

The Board of County Commissioners, after considering the testimony, evidence, documentation, application for a revised ordinance, the recommendation and findings of the Planning Commission, as well as all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of staff concerning the application for Amendment as it relates to the real property described in Exhibit “A” of this Ordinance.

B. The Board of County Commissioners held a duly noticed public hearing on May 2, 2019 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 15-17, the Manatee County Land Development Code, and further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit “A” herein was found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. AMENDED GENERAL DEVELOPMENT PLAN. The amended General Development Plan is hereby approved to allow A Personal Wireless Service Facility in addition to the previously approved 1,500 Single-Family Residential Units (Detached, Semi-Detached, and Attached) upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

1. No lots shall be platted through any landscape buffers, retention ponds, wetlands, wetland buffers, or upland preservation areas.
2. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions, and in a separate addendum to the Sales Contract, and in the Final Plat, and shall include language to inform prospective homeowners of:
 - a. There are planned thoroughfares adjacent to the project [i.e. 44th Avenue East (4-lane arterial), Uihlein Road (4-lane collector), and Rangeland Parkway (2-lane collector)], and potential noise associated with these planned roadways.
 - b. The presence of active agricultural operations in the nearby area and their potential impacts (noise and odor).
 - c. The internal streets within this subdivision are privately owned and maintained by the Homeowner’s Association or other appropriate legal entity.
 - d. The General Development Plan includes “personal wireless service facility” (PWSF) (i.e. cell tower) as an allowable use, potentially to be located on the southeast portion of the site as indicated on the site plan.
3. Compliance with all applicable regulations of the Land Development Code shall be demonstrated at time of Preliminary/Final Site Plan, with exception of those requirements in which Specific Approval is granted with this request. Approval of a personal wireless service facility will be subject to submittal of a separate application in compliance with all applicable regulations of LDC Section 531.37.
4. Any significant historical or archeological 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, and the County. 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. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.

5. Final Site Plan (FSP) review and approval is required for any recreational area/amenity center. Required number of parking spaces will be determined at FSP based on the type and square footage of the recreational uses. Any recreation or amenity structure shall have a minimum 20-foot setback from all property lines.
6. All other applicable state or federal permits shall be obtained before commencement of the development.
7. All lots adjacent to active agricultural operation shall have an additional 35' setback, unless separated by a street or other designated open space at least 35' in width. If an adjoining agricultural operation is no longer in effect at the time of submittal of the Final Plat, then the requirements of Section 702.6.7 shall no longer apply, and the additional 35' setback may be eliminated from the plat.
8. Within thirty (30) days of the adoption of Zoning Ordinance PDR-17-35(G)(R), the applicant shall install signage in and around the proposed location for the telecommunication tower to inform future residents of the planned construction.
9. The telecommunication tower shall be designed and constructed in the appearance of a tree (camouflaged tower) as provided in "Exhibit B" of the Zoning Ordinance.

B. ENVIRONMENTAL STIPULATIONS

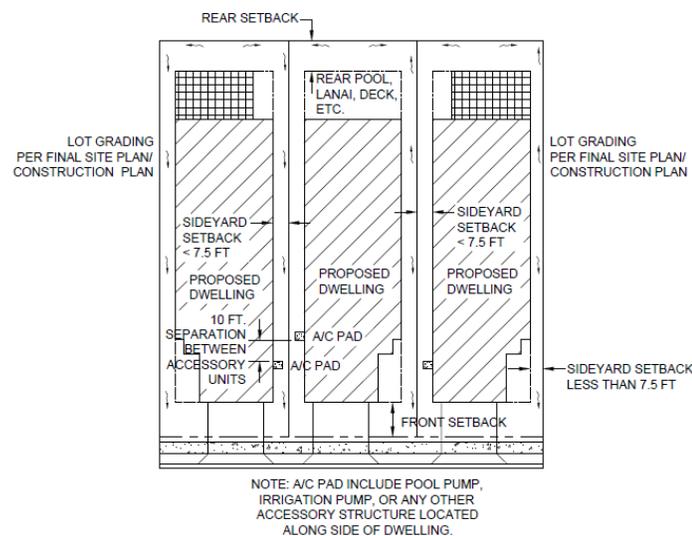
1. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. The Management Plan approved by the State shall be submitted prior to the commencement of development for any listed species found on site.
2. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas. Before Final Site Plan approval, lots will need to be drawn so they do not encroach into the wetlands or wetland buffers. Buffer encroachments and buffer restoration plans will be addressed during Final Site Plan to ensure consistency with the County's variable width buffer requirement per LDC Section 706.7.C and buffer restoration requirements per LDC Section 706.7.D.

3. 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.
4. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 355 of the LDC.
5. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Final Site Plan approval. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing).
 - GPS coordinates (latitude/longitude) of the well.
 - The methodology used to secure the well during construction (e.g. fence, tape).
 - The final disposition of the well - used, capped, or plugged.
6. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

C. STORMWATER ENGINEERING STIPULATIONS

1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the subsequent Final Site Plan and Construction Plan submittal(s) and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site.
2. This project shall be required to reduce the calculated pre-development flow rate by fifty percent (50%) for all stormwater outfall flow directly or indirectly into Mill Creek Watershed. Modeling shall be used to determine pre- and post- development flows.
3. This project shall be required to reduce the calculated pre-development flow rate by twenty-five percent (25%) for all stormwater outfall flow directly or indirectly into Braden River Watershed. Modeling shall be used to determine pre- and post-development flows.
4. This project will require to provide 150% water quality treatment for the Braden River Watershed.
5. All fill within the 100-year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table.

6. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Mill Creek. In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided along this system with the project boundary from the top of bank. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
7. Ten (10) feet separation shall be provided between accessory structures (i.e. Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of 5 feet.



D. UTILITY ENGINEERING STIPULATIONS

1. Connection to the County wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the County's Wastewater System Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by the County Engineer through the construction plans review process for the project.

Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 2nd day of May 2019.

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

BY: _____
Stephen R. Jonsson, Chairman

**ATTEST: ANGELINA COLONNESO
 Clerk of the Circuit Court**

BY: _____
Deputy Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

LEGAL DESCRIPTION: A parcel of land lying in Sections 10, 11, 14, and 15, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 11, run thence along the South boundary of said Section 11, S.89°30'29"E., a distance of 2083.03 feet to a point on a curve on the Northerly Right-of-Way line of (Proposed) Rangeland Parkway, said point also being the **POINT OF BEGINNING**; thence along said Northerly Right-of-Way line of (Proposed) Rangeland Parkway, the following four (4) courses: 1) Southwesterly, 434.78 feet along the arc of a non-tangent curve to the left having a radius of 2160.00 feet and a central angle of 11°31'59" (chord bearing S.56°46'31"W., 434.05 feet) to a point of tangency; 2) S.51°00'32"W., a distance of 1748.68 feet to a point of curvature; 3) Westerly, 2021.79 feet along the arc of a tangent curve to the right having a radius of 2940.00 feet and a central angle of 39°24'05" (chord bearing S.70°42'35"W., 1982.19 feet) to a point of tangency; 4) N.89°35'23"W., a distance of 1133.37 feet to the West boundary of the Northeast 1/4 of aforesaid Section 15; thence along said West boundary of the Northwest 1/4 of Section 15, N.00°25'34"W., a distance of 2033.19 feet to the South 1/4 corner of aforesaid Section 10; thence along the West boundary of the Southeast 1/4 of said Section 10, N.00°24'47"W., a distance of 2649.44 feet to the Center 1/4 corner of said Section 10; thence along the West boundary of the Northeast 1/4 of said Section 10, N.00°04'03"W., a distance of 208.43 feet to a point on a curve on the Southerly Right-of-Way line of (Proposed) 44th Avenue; thence along said Southerly Right-of-Way line of (Proposed) 44th Avenue, the following three (3) courses: 1) Easterly, 1329.24 feet along the arc of a non-tangent curve to the left having a radius of 2203.00 feet and a central angle of 34°34'15" (chord bearing S.87°49'41"E., 1309.16 feet) to a point of reverse curvature; 2) Easterly, 1222.37 feet along the arc of a reverse curve to the right having a radius of 2083.00 feet and a central angle of 33°37'23" (chord bearing S.88°18'07"E., 1204.90 feet) to a point of reverse curvature; 3) Easterly, 1994.38 feet along the arc of a reverse curve to the left having a radius of 2203.00 feet and a central angle of 51°52'11" (chord bearing N.82°34'28"E., 1926.96 feet); thence S.33°21'37"E., a distance of 215.02 feet; thence S.63°27'51"E., a distance of 1547.36 feet; thence N.62°43'29"E., a distance of 424.07 feet; thence N.89°59'34"E., a distance of 98.35 feet to a point on the Westerly Right-of-Way line of (Proposed) Uihlein Road; thence along said Westerly Right-of-Way line of (Proposed) Uihlein Road, the following four (4) courses: 1) S.00°00'26"E., a distance of 489.76 feet to a point of curvature; 2) Southerly, 374.25 feet along the arc of a tangent curve to the right having a radius of 1470.00 feet and a central angle of 14°35'14" (chord bearing S.07°17'11"W., 373.24 feet) to a point of reverse curvature; 3) Southerly, 411.99 feet along the arc of a reverse curve to the left having a radius of 1590.00 feet and a central angle of 14°50'46" (chord bearing S.07°09'25"W., 410.84 feet) to a point of tangency; 4) S.00°15'58"E., a distance of 854.80 feet to a point of curvature on aforesaid Northerly Right-of-Way line of (Proposed) Rangeland Parkway; thence along said Northerly Right-of-Way line of (Proposed) Rangeland Parkway, the following three (3) courses: 1) Southwesterly, 39.27 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.44°44'02"W., 35.36 feet) to a point of tangency; 2) S.89°44'02"W., a distance of 535.00 feet to a point of curvature; 3) Westerly, 1025.11 feet along the arc of a tangent curve to the left having a radius of 2160.00 feet and a

central angle of 27°11'31" (chord bearing S.76°08'16"W., 1015.52 feet) to the **POINT OF BEGINNING**.
Containing 545.014 acres, more or less.

Exhibit "B" – Zoning Ordinance PDR-17-35(G)(R)

