

**MANATEE COUNTY ZONING ORDINANCE  
PDR-17-19(Z)(P) SMR NORTHEAST, LLC / CRESSWIND  
DTS20170260**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO THE ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 249.58 ACRES GENERALLY LOCATED  $\pm 1.5$  MILES EAST OF LORRAINE ROAD,  $\pm 1.5$  MILES NORTH OF SR 70, AND  $\pm 1.3$  MILES SOUTH OF SR 64, AT 5010 UIHLEIN ROAD, BRADENTON (MANATEE COUNTY) FROM A/WP-E/ST (GENERAL AGRICULTURE/WATERSHED PROTECTION EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS) TO THE PDR/WP-E/ST (PLANNED DEVELOPMENT RESIDENTIAL/WATERSHED PROTECTION EVERS/SPECIAL TREATMENT OVERLAY DISTRICTS) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 651 LOTS FOR SINGLE-FAMILY RESIDENTIAL DETACHED AND SEMI-DETACHED UNITS; 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 rezone approximately 249.58 acres described in Exhibit "A", attached hereto, (the "property") from A/WP-E/ST (General Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDR/WP-E/ST (Planned Development Residential/Watershed Protection Evers/Special Treatment Overlay Districts) zoning district; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan for 651 lots for single-family residential detached and semi-detached units (the "project") on the property; and

**WHEREAS**, the applicant also filed a request for Special Approval for a project: 1) exceeding a gross density of 1.0 dwelling unit per acre in the MU-C/AC-3 and the MU-C/R FLUCs, 2) adjacent to a perennial stream, 3) partially within the Watershed Protection Evers Overlay District, and 4) partially within the Special Treatment Overlay District; and

**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to the Land Development Code Section 402.7.D.7 (to allow a reduction of the front yard setback); and

**WHEREAS**, Building and Development Services staff recommended approval of the rezone, Preliminary Site Plan, Special Approval and Specific Approval applications subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on March 8, 2018 to consider the rezone, Preliminary Site Plan, Special Approval, and Specific Approval applications, received the staff recommendation and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

**WHEREAS**, the Manatee County Planning Commission, as the County's Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to

satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval of the applications subject to the stipulations contained in the staff report.

**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 amendment of the Official Zoning Atlas, 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 the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this Ordinance from A/WP-E/ST (General Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDR/WP-E/ST (Planned Development Residential/Watershed Protection Evers/Special Treatment Overlay Districts) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on April 5, 2018 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 has 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 is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

D. For the purposes of granting Special Approval, the Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 402.7.D.7, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by the proposed design because adequate separation from the garage to the internal edge of the sidewalk will be provided to promote safety pedestrian movements and avoiding potential obstruction along sidewalks.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for 651 lots for single-family residential detached and semi-detached units, 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, or retention ponds.
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 Site Plan, and shall include language to inform prospective homeowners of:
  - a. There are planned thoroughfare adjacent to the project [i.e. Uihlein Road (4-lane collector), Rangeland Parkway (2-lane collector) and Bourneside Boulevard (4-lane collector)], and potential noise associated with this planned roadway.
  - 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.
3. 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.
4. 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.
5. All other applicable state or federal permits shall be obtained before commencement of the development.
6. A 3-foot separation from the internal edge of the sidewalk to the property line shall be provide for all proposed front loaded garage units to ensure a 23-foot separation from the sidewalk to the garage.

### **B. ENVIRONMENTAL STIPULATIONS**

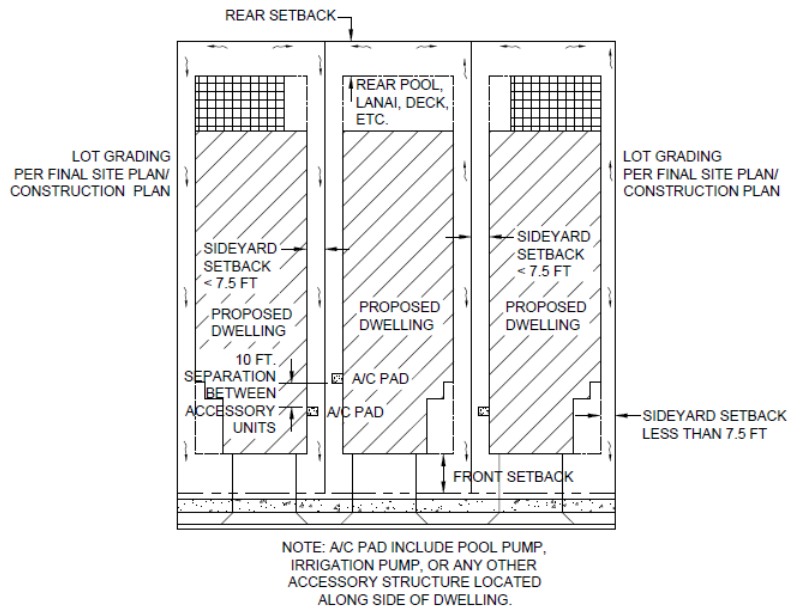
1. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. The Management Plan approved by the State shall be

submitted prior to the commencement of development for any listed species found on site.

2. 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.
3. 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. 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.
2. 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/Evers Reservoir Watershed. Modeling shall be used to determine pre- and post-development flows.
3. This project shall be required to provide 150% water quality treatment for the Braden River/Evers Reservoir Watershed.
4. 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. Drainage modeling shall utilize the adopted Braden River Watershed Study and the pending Mill Creek Watershed Study to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a “no-rise” flood stage condition.
5. Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Mill Creek tributaries. 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.
6. 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 potable water and wastewater systems 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 appropriate County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.
2. Any modifications and costs required for the development to meet the Board adopted master plan shall be met and completed by the developer during the Final Site Plan/ Construction Plan Approvals. This shall include modifications to the location, design, and access of the proposed potable water, reclaimed water, wastewater infrastructure, and the water/wastewater design calculations.
3. All potable water, reclaimed water and/or wastewater infrastructure construction shall adhere to the water and wastewater master plans for the Northeast Sector of Lakewood Ranch Master Plan Updates and Southeast Wastewater Collection System Master Plan at the time of Final Site Plan Submittal.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a project: 1) exceeding a gross density of 1.0 dwelling unit per acre in the MU-C/AC-3 and the MU-C/R FLUCs, 2) adjacent to a perennial stream, 3) partially within the Watershed Protection Evers Overlay District, and 4) partially within the Special Treatment Overlay District: Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for alternatives to Section 402.7.D.7 (to allow a reduction of the front yard setback) of the Land

Development Code. The Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

**Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS.** The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning classification of the property identified in Exhibit “A” herein from A/WP-E/ST (General Agriculture/Watershed Protection Evers/Special Treatment Overlay Districts) to the PDR/WP-E/ST (Planned Development Residential/Watershed Protection Evers/Special Treatment Overlay Districts) zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Building and Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

**Section 5. 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 6. 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 7. STATE AND FEDERAL PERMITTING.** The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

**Section 8. 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 5<sup>th</sup> day of April, 2018.

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

**BY:** \_\_\_\_\_  
**Priscilla Trace, Chairman**

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

**BY:** \_\_\_\_\_  
**Deputy Clerk**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**CRESSWIND AT LAKEWOOD RANCH**

**DESCRIPTION:** A parcel of land lying in Sections 11 and 12, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

**COMMENCE** at the Southeast corner of said Section 12, run thence along the East boundary of said Section 12, N.00°12'04"E., a distance of 1205.70 feet; thence N.89°47'57"W., a distance of 180.64 feet 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 Boulevard, the following nine (9) 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°00'15" (chord bearing S.45°11'55"W., 35.36 feet) to a point of tangency; 2) N.89°47'57"W., a distance of 1370.41 feet to a point of curvature; 3) Westerly, 580.46 feet along the arc of a tangent curve to the right having a radius of 940.00 feet and a central angle of 35°22'50" (chord bearing N.72°06'32"W., 571.28 feet) to a point of reverse curvature; 4) Westerly, 1119.55 feet along the arc of a reverse curve to the left having a radius of 1560.00 feet and a central angle of 41°07'08" (chord bearing N.74°58'41"W., 1095.68 feet) to a point of tangency; 5) S.84°27'46"W., a distance of 895.75 feet to a point of curvature; 6) Southwesterly, 1013.75 feet along the arc of a tangent curve to the left having a radius of 1560.00 feet and a central angle of 37°14'00" (chord bearing S.65°50'46"W., 996.01 feet) to a point of tangency; 7) S.47°13'46"W., a distance of 832.86 feet to a point of curvature; 8) Southwesterly, 697.33 feet along the arc of a tangent curve to the right having a radius of 940.00 feet and a central angle of 42°30'16" (chord bearing S.68°28'54"W., 681.45 feet) to a point of tangency; 9) S.89°44'02"W., a distance of 578.98 feet to a point of curvature on the Easterly right of way line of (Proposed) Uihlein Road; thence along said Easterly right of way line of (Proposed) Uihlein Road, the following five (5) courses: 1) Northwesterly, 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 N.45°15'58"W., 35.36 feet) to a point of tangency; 2) N.00°15'58"W., a distance of 854.80 feet to a point of curvature; 3) Northerly, 380.90 feet along the arc of a tangent curve to the right having a radius of 1470.00 feet and a central angle of 14°50'46" (chord bearing N.07°09'25"E., 379.83 feet) to a point of reverse curvature; 4) Northerly, 404.81 feet along the arc of a reverse curve to the left having a radius of 1590.00 feet and a central angle of 14°35'14" (chord bearing N.07°17'11"E., 403.71 feet) to a point of tangency; 5) N.00°00'26"W., a distance of 385.36 feet; thence S.89°53'43"E., a distance of 380.19 feet; thence S.79°53'38"E., a distance of 148.36 feet; thence N.79°52'59"E., a distance of 213.47 feet; thence S.67°33'23"E., a distance of 73.63 feet; thence N.71°49'56"E., a distance of 127.83 feet; thence S.74°39'37"E., a distance of 102.13 feet; thence N.67°06'15"E., a distance of 53.22 feet; thence N.87°04'59"E., a distance of 212.58 feet; thence N.72°57'48"E., a distance of 85.24 feet; thence N.84°37'49"E., a distance of 510.90 feet; thence S.65°19'22"E., a distance of 248.86 feet; thence S.86°30'52"E., a distance of 383.08 feet; thence N.61°05'17"E., a distance of 182.45 feet; thence N.32°13'33"E., a distance of 80.68 feet; thence N.73°17'12"E., a distance of 686.50 feet; thence N.65°15'18"E., a distance of 220.50 feet; thence N.75°43'01"E., a distance of 301.72 feet; thence N.83°00'35"E., a distance of 253.65 feet; thence N.66°55'03"E., a distance of 279.60 feet; thence N.85°04'28"E., a distance of 476.69 feet; thence N.74°27'43"E., a distance of 278.99 feet; thence N.55°24'03"E., a distance of 404.97 feet; thence S.68°10'59"E., a distance of 304.18



feet; thence N.84°51'22"E., a distance of 40.91 feet; thence N.46°11'29"E., a distance of 50.87 feet; thence N.26°09'20"E., a distance of 325.14 feet; thence N.35°10'10"E., a distance of 221.36 feet; thence N.62°37'09"E., a distance of 126.26 feet; thence N.84°14'22"E., a distance of 164.79 feet; thence S.88°52'08"E., a distance of 231.65 feet to the West right of way line of (Proposed) Bourneside Boulevard; thence along said West right of way line of (Proposed) Bourneside Boulevard, S.00°11'48"W., a distance of 2617.57 feet to the **POINT OF BEGINNING**.

Containing 249.582 acres, more or less.