Manatee County Zoning Ordinance

PDR-19-24(Z)(G) LAKEWOOD RANCH POD G/SMR NORTHEAST, LLC
(OWNER) PLN1911-0066

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATED TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 223.25 ACRES GENERALLY LOCATED EAST OF UHLEIN ROAD, WEST OF BOURNESIDE BOULEVARD AND SOUTH OF 44TH AVENUE EAST, BRADENTON (MANATEE COUNTY) IN AN AREA COMMONLY KNOWN AS THE NORTHEAST QUADRANT FROM A (GENERAL AGRICULTURE) TO THE PDR (PLANNING DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR A 512-UNIT RESIDENTIAL DEVELOPMENT (SINGLE FAMILY DETACHED AND SEMI-DETACHED DWELLINGS); 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 223.25 acres described in Exhibit “A”, attached hereto, (the “Property”) from A (General Agriculture) to the PDR (Planning Development Residential) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for a 512-unit residential development (single family detached and semi-detached dwellings) (the “project”) on the property; and

WHEREAS, the Building and Development Services staff recommended approval of the rezone and General Development Plan 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 July 9, 2020 to consider the rezone and General Development Plan 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 (General Agriculture) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on July 22, 2020 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of 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 the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a 512-unit residential development (single family detached and semi-detached dwellings) upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE

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. Uihlein Road (4-lane collector), 44th Avenue East (4-lane arterial) and Bourneside Blvd. (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. 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.

5. All dumpsters, compactors, and other utility equipment shall be screened with a 6-foot high wall constructed with building materials consistent with the principal building(s). Compliance shall be verified with review of the building permit.

6. 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. Amenity Center structures shall comply with all applicable LDC requirements.

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.

2. Approval of this GDP includes 0.19 acres of impacts to Wetland NE-WL-16. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.

3. Manatee County may suspend any development orders, issue stop work orders and otherwise take enforcement actions pursuant to Chapter 1, LDC, where the difference between an estimate of wetland areas and functions shown on preliminary plans and the approved ERP are determined to be significant enough to warrant substantial project, per LDC Section 706.2. A substantial modification to the project shall require approval from the BOCC.

4. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that will serve as wetland mitigation areas shall be dedicated concurrently with Final Plat approval or Certificate of Occupancy issuance for Projects not requiring Final Plat.
5. 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 706.4.C and buffer restoration requirements per LDC Section 706.4.D.

6. 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.

7. 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 353.3 of the LDC.

8. 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.

9. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the ERS for review and approval prior to recommencing construction activities. 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.

C. STORMWATER

1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2014 FIRM 100-year floodplain and post-development discharge of runoff. The following storm frequency events, corresponding cumulative rainfall, and rainfall distribution shall be provided as a comparison of the existing pre-development condition versus the proposed post-development development condition:
Storm Frequency: Cumulative Rainfall: Rainfall Distribution:
10-year/24-hour 7 inches FLMOD
25-year/24-hour 8 inches FLMOD
50-year/24-hour 9 inches FLMOD
100-year/24-hour 10 inches FLMOD
100-year/72-hour 18 inches FDOT-72

50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (utilizing best available information from Mill Creek Watershed Management Plan and/or master drainage modeling) shall be submitted to demonstrate compliance prior to commencement of construction.

2. The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by fifty (50) percent for Mill Creek Watershed.

3. All fill within the 100-year floodplain (as delineated from the FEMA 2014 FIRM or best available information from Mill Creek Watershed Management Plan and/or master drainage modeling) shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).

4. Ten (10) feet of separation shall be provided between accessory structures (i.e., Heat Pumps, AIC Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of 5 feet.

D. UTILITIES

1. Connection to the County water and 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 applicable 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.

Section 3. 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 district classification of the property described in Exhibit “A”, incorporated by reference herein, from A (General Agriculture) to the PDR (Planned Development Residential) 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 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, sentence, clause, or 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. 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 7. 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 22nd day of July 2020.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA.

BY: ____________________________
Betsy Benac, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: ____________________________
Deputy Clerk
Exhibit “A”

Legal Description

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 2617.58'; THENCE N 89°47'53" W, A DISTANCE OF 181.04' TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF BOURNESIDE BOULEVARD, AS RECORDED IN O.R. BOOK 2746, PAGE 3274, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N 00°11'48" E ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 547.30'; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 78.71', WITH A RADIUS OF 50.00', WITH A CHORD BEARING OF N 44°54'06" W, WITH A CHORD LENGTH OF 70.83', WITH A DELTA ANGLE OF 90°11'42"; THENCE N 90°00'00" W A DISTANCE OF 2900.80' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 44TH AVENUE AS RECORDED IN O.R. BOOK 2746, PAGE 3274; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF 44TH AVENUE THE FOLLOWING SIX (6) COURSES: (1) N 90°00'00" W A DISTANCE OF 2900.80'; (2) WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 776.95', WITH A RADIUS OF 2083.00', WITH A CHORD BEARING OF S 79°18'52" W, WITH A CHORD LENGTH OF 772.45', WITH A DELTA ANGLE OF 21°22'16"; (3) WITH A REVERSE CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 821.43', WITH A RADIUS OF 2203.00', WITH A CHORD BEARING OF S 79°18'39" W, WITH A CHORD LENGTH OF 816.68', WITH A DELTA ANGLE OF 21°21'50"; (4) S 89°59'34" W A DISTANCE OF 1978.15'; (5) WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 78.54', WITH A RADIUS OF 50.00', WITH A CHORD BEARING OF S 44°59'34" W, WITH A CHORD LENGTH OF 70.71', WITH A DELTA ANGLE OF 90°00'01"; (6) S 00°00'26" E A DISTANCE OF 655.65' TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF UIHLEIN ROAD AS RECORDED IN O.R. BOOK 2746, PAGE 3274; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF UIHLEIN ROAD THE FOLLOWING THREE (3) COURSES: (1) S 00°00'26" E A DISTANCE OF 51.42'; (2) S 13°29'18" W A DISTANCE OF 51.42'; (3) S 00°00'26" E A DISTANCE OF 982.87'; THENCE S 89°53'43" E A DISTANCE OF 380.19'; THENCE S 79°52'59" E A DISTANCE OF 231.47'; THENCE S 67°33'23" E A DISTANCE OF 73.63'; THENCE N 71°49'56" E A DISTANCE OF 127.83'; THENCE S 74°39'37" E A DISTANCE OF 102.13'; THENCE N 67°06'15" E A DISTANCE OF 53.22'; THENCE N 87°04'59" E A DISTANCE OF 212.58'; THENCE N 72°57'48" E A DISTANCE OF 85.24'; THENCE N 84°37'49" E A DISTANCE OF 510.90'; THENCE S 65°19'22" E A DISTANCE OF 248.86'; THENCE S 86°30'52" E A DISTANCE OF 383.08'; THENCE N 61°05'17" E A DISTANCE OF 182.45'; THENCE N 32°13'33" E A DISTANCE OF 80.68'; THENCE N 73°17'12" E A DISTANCE OF 688.50'; THENCE N 65°15'18" E A DISTANCE OF 220.50'; THENCE N 75°43'01" E A DISTANCE OF 301.72'; THENCE N 83°00'35" E A DISTANCE OF 253.65'; THENCE N 66°55'03" E A DISTANCE OF 279.60'; THENCE N 85°04'28" E A DISTANCE OF 476.69'; THENCE N 74°27'43" E A DISTANCE OF 278.99'; THENCE N 55°24'03" E A DISTANCE OF 404.97'; THENCE S 68°10'59" E A DISTANCE OF 304.18'; THENCE N 84°51'22" E A DISTANCE OF 40.91'; THENCE N 46°11'29" E A DISTANCE OF 50.87'; THENCE N 26°09'20" E A DISTANCE OF 325.14'; THENCE N 35°10'10" E A DISTANCE OF 221.36'; THENCE N 62°37'09" E A DISTANCE OF 126.26'; THENCE N 84°14'22" E A DISTANCE OF 164.79'; THENCE S 88°52'08" E A DISTANCE OF 231.64'; TO THE POINT OF BEGINNING.