

MANATEE COUNTY ZONING ORDINANCE
PDMU-12-05(Z)(G) – STANLEY AND DEBORAH BROWER/BROWER PARCEL
(DTS#20120146)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 3.42 ACRES ON THE NORTH SIDE OF US 301, APPROXIMATELY 925 FEET WEST OF HARRISON RANCH BOULEVARD, AT 10308 US 301, PARRISH FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY) TO THE PDMU/NCO (PLANNED DEVELOPMENT MIXED USE) RETAINING THE NORTH CENTRAL OVERLAY ZONING DISTRICT; APPROVAL OF A GENERAL DEVELOPMENT PLAN FOR 5,000 SQUARE FEET OF COMMERCIAL/PROFESSIONAL NEIGHBORHOOD SERVING USE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Stanley and Deborah Brower (the "Applicant") filed an application to rezone approximately 3.42 acres described in Exhibit "A", attached hereto, (the "property") from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district; and

WHEREAS, the applicant also filed a General Development Plan application for 5,000 square feet of commercial/professorial neighborhood serving use (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for an alternative to Section 604.10.3.3(k) of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, General Development Plan 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 September 13, 2012 to consider the rezone, General Development Plan and Specific Approval application, 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 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.

FILED
2012 OCT 18 PM 12:48
CLERK OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

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/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on October 4, 2012 regarding the proposed Official Zoning Atlas Amendment 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 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 subject to Ordinance No. 12-02 becoming effective.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 604.10.3.3.(k), the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because in addition to the 20' landscape buffer provided along the northern boundary by the project, the adjacent property (proposed Shops at Harrison Ranch), will also be required to provide at least a 20' landscape buffer which is more than adequate for commercial uses adjacent to commercial uses.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a 5,000 square feet commercial/professional neighborhood serving use upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. At time of final site plan approval, the project shall meet all applicable North County Overlay District regulations (LDC 604.10) with the exception of 604.10.3.3.(k) for the northern boundary.
2. At time of final site plan approval, the vehicular cross access easement shall be provided to the northern parcel [(known as Shops at Harrison Ranch PDMU-11-12(G))].
3. Signs shall be addressed with future approvals. No approval for sign's are granted with this general development plan.

B. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Slaughter Drain. Modeling shall be used to determine pre- and post- development flows.

C. ENVIRONMENTAL CONDITIONS:

1. There is a Bald Eagle's nest on this project. Final site plans shall be designed in accordance with the "Bald Eagle Management Plan", as adopted April 2008 by the Florida Fish and Wildlife Conservation Commission, or copies of applicable permits shall be provided to EPD before commencement of development.
2. The project landscaping shall be in accordance with the NCO and shall take into account the presence of overhead power lines along the U.S. 301 frontage. This condition shall be met with the final site plan.
3. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division before commencement of development.
4. A Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County prior to or concurrent with final plat approval.
5. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Division 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.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for an alternative to Section 604.10.3.3 (k) 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. 90-01, the Manatee County Land Development Code) is hereby amended by changing the zoning classification of the property identified in Exhibit "A" herein from A/NCO (General Agriculture/North Central Overlay) to the PDMU/NCO (Planned Development Mixed Use) retaining the North Central Overlay zoning district and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning 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 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 4th day of October, 2012.

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

BY: 

John R. Chappie, Chairman

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



BY: 

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

(As per Boundary Survey prepared by Leo Mills & Associates, Inc. dated October 12, 2011)

THAT PART OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP
34 SOUTH, RANGE 18 EAST, LYING NORTH OF U.S. HIGHWAY 301, MANATEE COUNTY,
FLORIDA



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 4th day of
October, 2012

R.B. SHORE
Clerk of Circuit Court

By: [Signature] D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 10, 2012

RECEIVED

OCT 15 2012

BOARD RECORDS

Honorable R. B. "Chips" Shore
Clerk of the 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 letter dated October 4, 2012 and certified copy of Manatee County Ordinance No. PDMU-12-05 (Z)(G) which was filed in this office on October 10, 2012.

As requested, one date stamped copy of this ordinance is being return for your records.

Sincerely,

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

Liz Cloud
Program Administrator

LC/elr

Enclosure