

**MANATEE COUNTY ZONING ORDINANCE
PDMU-12-06(G) – VILLAGE SQUARE (DTS#20120156)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR 30,000 SQUARE FEET OF PROFESSIONAL OFFICE; MEDICAL OFFICE; AND BUSINESS SERVICE USES ON APPROXIMATELY 5.07 ACRES AT THE NORTHEAST CORNER OF U.S. 301 AND 100TH DRIVE EAST, APPROXIMATELY 2,100 FEET WEST OF HARRISON RANCH BOULEVARD, PARRISH; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

FILED
2013 JAN 14 PM 1:14
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, HC Properties, LLC (the "Applicant") filed an application for a General Development Plan for approximately 5.07 acres described in Exhibit "A", attached hereto, (the "Property") for 30,000 square feet of professional office; medical office; and business service uses; and

WHEREAS, the applicant filed a request for Specific Approval for an alternative to Section 714.8.7 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the 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 December 13, 2012 to consider the General Development Plan 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, 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 a General Development Plan 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 January 3, 2013 regarding the proposed General Development Plan described herein in accordance with the requirements of Manatee County Ordinance 90-01, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.

C. The Board of County Commissioners considered the "infill" analysis and determined the project qualified as Infill Commercial Development per Comprehensive Plan Policy 2.10.1.1.

D. The proposed General Development Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance 89-01, the 2020 Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the required number of trees and canopy will be provided.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for 30,000 square feet of professional office; medical office; and business service uses on upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. The uses shall be limited to professional and/or medical offices and business services. No retail shall be permitted.
2. At time of Final Site Plan approval, the project shall meet all applicable North County Overlay District regulations (LDC 604.10).
3. Signs shall be addressed with future approvals. No approval for signs 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. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Environmental Planning Division for review prior to commencement of construction.
2. 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.
3. Existing native vegetation located within any required landscape buffer shall be preserved to the greatest extent possible. There shall be no overhead or underground power lines, swales, or stormwater facilities within any proposed landscape buffer containing desirable native vegetation with the exception of limited crossings.
4. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Environmental Planning Division. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. Tree protection methodology shall be approved with the final site plan.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for an alternative to Sections 714.8.7. This Specific Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof.

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, 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*, the 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 3rd day of January, 2013.

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

BY: _____

Larry Bustle

Larry Bustle, Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court



BY: _____

Debi Jessner

Deputy Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

COMMERCIAL 5 ACRE PARCEL

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 18 EAST; THENCE RUN S 00°07'50"W ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 247.65 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. 301 (SECTION 1302-104-202); THENCE S 60°16'38" W ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 2656.09 FEET; THENCE S 60°15'41"W CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY, A DISTANCE OF 813.04 FEET TO THE POINT OF BEGINNING; THENCE S 60°15'41" W CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 997.93 FEET; THENCE N 01°27'51"E, A DISTANCE OF 517.00 FEET; THENCE S 88°32'09" E, A DISTANCE OF 853.57 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 5.07 ACRES.



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 10th day of

January, 2013
R.B. SHORE
Clerk of Circuit Court

By: G. Acaredo D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 14, 2013

RECEIVED
JAN 23 2013
BOARD RECORDS

Honorable R. B. "Chips" Shore
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 10, 2013 and certified copies of Manatee County Ordinance Nos. 13-02, PDC-12-09(Z)(P), PDMU-97-05(P)(R5), PDMU-12-06(G), PDPI-09-12(P)(R) AND PDR-12-03(Z)(G) which were filed in this office on January 14, 2013.

As requested, one date stamped copy of each ordinance is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosure