

**MANATEE COUNTY ZONING ORDINANCE
PDR-13-02(Z)(P) UNIVERSITY VILLAGE, LLC/UNIVERSITY VILLAGE (DTS#20130033)**

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 51.50 ACRES AT ON THE NORTH SIDE OF TALLEVAST ROAD, APPROXIMATELY 1,500 FEET EAST OF US 301 AT 3005 AND 3211 TALLEVAST ROAD, BRADENTON FROM A-1 (SUBURBAN AGRICULTURE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVE A PRELIMINARY SITE PLAN FOR 208 SINGLE-FAMILY SEMI-DETACHED RESIDENCES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, University Village, LLC (the "Applicant") filed an application to rezone approximately 51.50 acres described in Exhibit "A", attached hereto, (the "property") from A-1 (Suburban Agriculture – one dwelling unit per one) to PDR (Planned Development Residential) Zoning District; and

WHEREAS, the Applicant also filed an application for a Preliminary Site Plan for 208 single family semi-detached residential units; and

WHEREAS, the Applicant also files a request for Special Approval for a project adjacent to a perennial lakes or stream; and

WHEREAS, the Applicant also filed a request for Specific Approval for alternatives to Section 714.8.7 Tree caliper and 715.3.4 Residential Street Trees of the Land Development Code; 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 June 13, 2013 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, 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 an Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A-1 (Suburban Agriculture – one dwelling unit per one acre) to PDR(Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on August 8, 2013 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 the public hearing.

C. The proposed amendment to the General Development Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

C. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 714.8.7, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because smaller trees typically establish and grow faster.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.4, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because placing one canopy tree per lot instead of every 50 feet will likely reduce conflicts between the trees and built environment.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 208 single family semi-detached residential units upon the Property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Signs shall be addressed with future approvals. No approval for signs is granted with this preliminary site plan.
2. All corner lots shall be at least 15% greater than the minimum lot size approved.
3. If there is common open space (ex: tract A, B, E, F, etc) between the lot and the right-of-way, the common open space and the side yard setback combined shall be a minimum of 15 feet.
4. A 25-foot separation is required between the garage and edge of sidewalks. Corner lots shall provide a 15-foot setback from the structure (non-garage) to the property line adjacent to the other street.
5. A solid, decorative, opaque wall or fence a minimum of six (6) feet tall is required along the western property boundary (adjacent to 28th St Ct E) in addition to the required landscaping.
6. A solid, decorative, opaque fence or wall a minimum of six (6) feet tall is required between the University Village lots and the large residential parcels that front Tallevast Road in addition to the required landscaping. This applies to the parcels east of the Pearce drain.
7. Any gates or emergency access points within the project shall be accessible to emergency providers in accordance with the requirements of County and Fire Department ordinances and resolutions.
8. Any walls or fences within roadway or perimeter buffers shall be measured from the finished grade of the adjacent roadway or lot (exclusive of any swales), whichever elevation is greater. This requirement shall be verified with a cross-section detail on the Final Site Plan.
9. The property owner shall install sidewalks along the property line adjacent to Pearce Road (28th St Ct E) and Tallevast Road, as provided by Section 722 of the LDC.

B. TRANSPORTATION CONDITIONS:

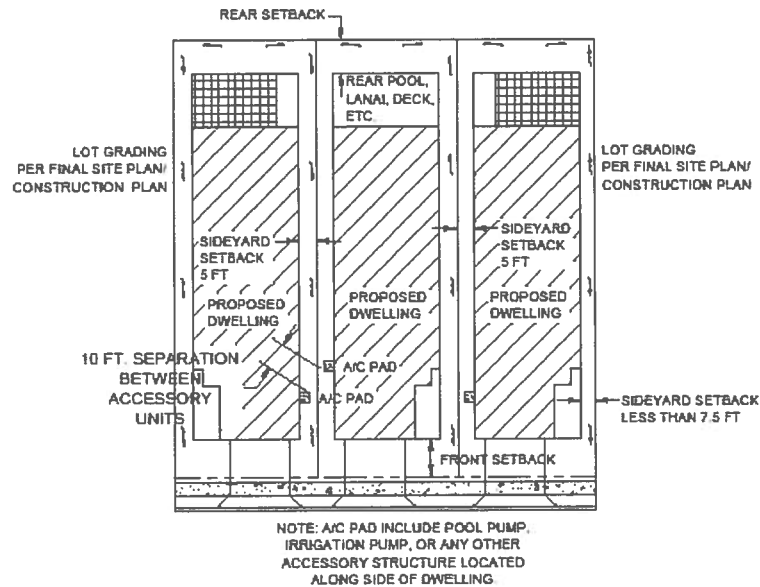
1. Any required right of way dedication will be determined with the final site plan. Said dedication amount will be required to be shown on the final site plan and final plat and dedicated prior to approval of the first Final Plat.

C. INFRASTRUCTURE CONDITIONS:

1. The proposed potable water main shall be looped by tying it into the existing 12" potable water main at both the easterly entrance road and the westerly entrance road to this subdivision.

D. STORMWATER CONDITIONS:

1. Any fill within the 100-year floodplain of the Pearce Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. The applicant has the option of (1) creation of floodplain compensatory storage within sole-use floodplain storage areas, (2) the widening of Pearce Drain within the project boundaries, or a combination of both options.
2. 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 Pearce Drain. Modeling shall be used to determine pre- and post- development flows.
3. Drainage Easement and Drainage Maintenance Access Easement shall be shown on the Final Site Plan/Construction Plan submittal and dedicated through a Final Plat for Pearce Drain within the project boundaries. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
4. Drainage Easement shall be shown on the Final Site Plan/Construction Plan submittal and dedicated through a Final Plat for lateral drainage ditches which ultimately flow into Pearce Drain running through the subject project or along the project boundaries. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
5. 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 less than 7.5 feet.



E. ENVIRONMENTAL CONDITIONS:

1. Street Trees proposed to be planted within the common area strips adjacent to Lots 1, 92, 93 & 151 shall be understory trees, species to be determined at Final Site Plan.
2. Street Trees to be planted within the semi-detached residential lots shall be provided at 1 small understory tree per 35' wide semi-detached residential lot and shall be approved with the Final Site Plan. Also, notes shall be provided on the landscape plans to indicate locations where such trees may be accommodated while avoiding conflicts with infrastructure.
3. A Conservation Easement for the areas as identified on the Final Site Plan, if any, 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.
4. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.

5. 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 519 of the LDC.
6. 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.

F. NOTICES

1. 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 shall include language to inform prospective homeowners of:
 - a) The presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
 - b) The presence of light industrial uses which may have odors and noises associated with such uses
 - c) HOA documents shall include language which informs the potential buyer that roads within the University Village Subdivision are privately owned and maintained and are not designed to Manatee County Public Works Standards.
 - d) A pedestrian easement with access to the northwest corner of Manatee County property shall be provided between lots 72 and 73.

Section 3. SPECIFIC AND SPECIAL APPROVALS. Specific Approval is hereby granted for an alternative to Sections 714.8.7 and 715.3.4. This Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof. Special Approval is hereby granted for a project located adjacent to a perennial lake or stream. This Special 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-1 (Suburban Agriculture – one dwelling unit per one acre) 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 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, 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, 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 upon the date Ordinance No. 13-06 becomes effective pertaining to the Comprehensive Plan amendment for the real property described in Exhibit "A".

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 8th day of August, 2013.

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

BY: 
Larry Bustle, Chairman

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

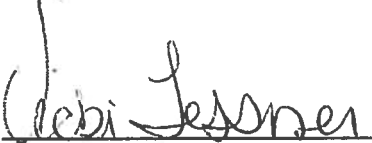
BY: 
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION:

PARCEL A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA; THENCE S.89°32'48"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 887.00 FEET; THENCE N.00°33'01"E, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°33'01"E, A DISTANCE OF 1,278.00 FEET TO A 4"x4" CONCRETE MONUMENT; THENCE S.89°32'25"E, A DISTANCE OF 1,535.52 FEET TO A 4"x4" CONCRETE MONUMENT; THENCE CONTINUE S.89°32'25"E, A DISTANCE OF 17.02 FEET TO THE INTERSECTION WITH THE CENTER LINE OF THE MAIN CANAL OF THE PEARCE SAW GRASS DRAINAGE DISTRICT; THENCE S.10°28'55"W, ALONG SAID CENTER LINE, A DISTANCE OF 1,000.52 FEET TO THE INTERSECTION WITH THE NORTHERLY LINE OF THAT CERTAIN PARCEL 1078 PER ORDER OF TAKING CASE NO. 2001-CA-005068, AS DESCRIBED AND RECORDED IN O.R. BOOK 1718, PAGE 0034, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY, NORTHERLY AND WESTERLY LINE OF SAID PARCEL 1078 THE FOLLOWING FOUR (4) COURSES: (1) N.70°45'32"W, A DISTANCE OF 20.00 FEET; (2) THENCE N.18°14'28"E, A DISTANCE OF 81.53 FEET; (3) THENCE N.89°24'11"W, A DISTANCE OF 385.81 FEET; (4) THENCE S.00°27'55"E, A DISTANCE OF 341.78 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF TALLEYVAST ROAD (WIDTH VARIES) AS SHOWN IN THAT CERTAIN PARCEL 107A PER SAID ORDER OF TAKING, AS DESCRIBED AND RECORDED IN SAID O.R. BOOK 1718, PAGE 0034; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES: (1) N.89°38'53"W, A DISTANCE OF 484.81 FEET; (2) THENCE N.89°35'51"W, A DISTANCE OF 48.90 FEET; (3) THENCE S.00°24'08"W, A DISTANCE OF 18.00 FEET; (4) THENCE N.89°35'49"W, A DISTANCE OF 320.15 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 28, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA; THENCE S.89°32'48"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 887.00 FEET; THENCE N.00°33'01"E, A DISTANCE OF 1,324.00 FEET TO A 4"x4" CONCRETE MONUMENT; THENCE S.89°32'25"E, A DISTANCE OF 1,535.52 FEET TO A 4"x4" CONCRETE MONUMENT; THENCE CONTINUE S.89°32'25"E, A DISTANCE OF 17.02 FEET TO THE INTERSECTION WITH THE CENTERLINE OF THE MAIN CANAL OF THE PEARCE SAW GRASS DRAINAGE DISTRICT; THENCE S.18°28'33"W, ALONG SAID CENTER LINE, A DISTANCE OF 1.38 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF FARM NO. 13, NEW PEARCE & PEARCE VEGETABLE FARMS, SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 18, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 28, FOR THE POINT OF BEGINNING; THENCE S.89°32'30"E, ALONG SAID SOUTH LINE OF FARM NO. 13, A DISTANCE OF 482.78 FEET TO THE INTERSECTION WITH THE WEST LINE OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN SAID O.R. BOOK 1080, PAGE 3188, SAID PUBLIC RECORDS; THENCE S.00°13'40"W, ALONG SAID WEST LINE AND THE WEST LINE OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 1814, PAGE 4113, SAID PUBLIC RECORDS, A DISTANCE OF 920.82 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 2128, PAGE 1027, SAID PUBLIC RECORDS; THENCE N.89°30'48"W, ALONG SAID NORTH LINE IN O.R. BOOK 2128, PAGE 1027 AND THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN O.R. BOOK 1325, PAGE 0002, SAID PUBLIC RECORDS, A DISTANCE OF 240.00 FEET; THENCE S.00°13'40"W, ALONG THE WEST LINE OF SAID O.R. BOOK 1325, PAGE 0002, A DISTANCE OF 333.33 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF TALLEYVAST ROAD (WIDTH VARIES) AS SHOWN IN THOSE CERTAIN PARCEL 112 & 113 PER ORDER OF TAKING CASE NO. 2001-CA-005068, AS DESCRIBED AND RECORDED IN O.R. BOOK 1718, PAGE 0034, SAID PUBLIC RECORDS; THENCE S.00°30'00"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 140.01 FEET TO THE INTERSECTION WITH THE EAST LINE OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 1430, PAGE 2337, SAID PUBLIC RECORDS; THENCE N.00°13'40"E, ALONG THE SAID EAST LINE, A DISTANCE OF 357.31 FEET; THENCE N.89°35'49"W, ALONG THE NORTH LINE OF SAID O.R. BOOK 1430, PAGE 2337 AND THE NORTH LINE OF THOSE CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 1701, PAGE 4820 AND O.R. BOOK 2122, PAGE 7048, SAID PUBLIC RECORDS, A DISTANCE OF 433.86 FEET TO INTERSECTION WITH SAID CENTERLINE OF THE MAIN CANAL; THENCE N.10°28'55"E, ALONG SAID CENTERLINE, A DISTANCE OF 874.70 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 28, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

DESCRIPTION: PARCEL C

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA; THENCE S.89°32'48"E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 887.00 FEET; THENCE N.00°33'01"E, A DISTANCE OF 48.00 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF TALLEYVAST ROAD (WIDTH VARIES) AS SHOWN IN THAT CERTAIN PARCEL 107A PER ORDER OF TAKING CASE NO. 2001-CA-005068, AS DESCRIBED AND RECORDED IN O.R. BOOK 1718, PAGE 0034, PUBLIC RECORDS OF MANATEE COUNTY FLORIDA; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES: (1) S.89°30'48"E, A DISTANCE OF 320.15 FEET; (2) THENCE N.00°24'08"E, A DISTANCE OF 18.00 FEET; (3) THENCE S.89°30'01"E, A DISTANCE OF 48.89 FEET; (4) THENCE S.89°30'03"E, A DISTANCE OF 484.81 FEET; (5) THENCE S.89°25'39"E, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE N.18°14'28"E, ALONG THE EASTERLY LINE OF THAT CERTAIN PARCEL 1078 PER SAID ORDER OF TAKING IN O.R. BOOK 1718, PAGE 0034, A DISTANCE OF 838.00 FEET; THENCE S.70°45'32"E, ALONG THE SOUTHERLY LINE OF SAID PARCEL 1078, A DISTANCE OF 20.00 FEET TO THE INTERSECTION WITH THE CENTER LINE OF THE MAIN CANAL OF THE PEARCE SAW GRASS DRAINAGE DISTRICT; THENCE S.18°14'28"W, ALONG SAID CENTERLINE, A DISTANCE OF 838.25 FEET TO THE INTERSECTION WITH SAID NORTH RIGHT OF WAY LINE; THENCE N.88°25'32"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 21.11 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 28, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

