

Manatee County Ordinance

PDR-17-34(G)(R2) – AZARIO GDP MODIFICATION (F.K.A LWR 1000) – TAYLOR MORRISON OF FLORIDA, INC. (OWNER) - PLN2201-0007

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING AND RESTATING ZONING ORDINANCE NO. PDR-17-34(G)(R) TO REVISE THE GENERAL DEVELOPMENT PLAN (LARGE PROJECT) AS FOLLOWS: 1) ADD 160 RESIDENTIAL UNITS TO INCREASE THE OVERALL RESIDENTIAL ENTITLEMENTS FROM 1,825 DWELLING UNITS TO 1,985 DWELLING UNITS (SINGLE-FAMILY RESIDENTIAL DETACHED, ATTACHED, SEMI-DETACHED AND MULTI-FAMILY) INCLUDING A PREVIOUSLY APPROVED GOLF COURSE AND AMENITY CENTERS; AND 2) PROVIDE AN ADDITIONAL ACCESS POINT ALONG UIHLEIN ROAD TO ACCOMMODATE A RESIDENTIAL NEIGHBORHOOD ON THE NORTHEAST PORTION OF THE PROJECT; THE APPROXIMATELY 1,010.26 ACRE SITE IS ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL), GENERALLY LOCATED SOUTH OF STATE ROAD 64 EAST, AND HAVING FRONTAGE ON THE NORTH SIDE OF 44TH AVENUE EAST, EAST SIDE OF LORRAINE ROAD, AND WEST SIDE OF UIHLEIN ROAD IN THE AREA KNOWN AS THE NORTHEAST QUADRANT, BRADENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Taylor Morrison of Florida, Inc. (the "Applicant") filed an application amending and restating Zoning Ordinance No. PDR-17-34(G)(R) to revise the General Development Plan (Large Project) as follows: 1) add 160 residential units to increase the overall residential entitlements from 1,825 dwelling units to 1,985 dwelling units (single-family residential detached, attached, semi-detached and multi-family) including a previously approved golf course and amenity centers; and 2) provide an additional access point along Uihlein Road to accommodate a residential neighborhood on the northeast portion of the project on approximately 1,010.26 acres zoned PDR (Planned Development Residential) and described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 1001.C to allow a secondary means of access to be met via an emergency access only to internal development tracts within the Planned Development; and 2) 402.7 D.7 to allow a reduction to the front yard setback for a secondary (corner lot) front yard from 20 feet to 10 feet; and

WHEREAS, the Development Services staff recommended approval of the revised 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 8, 2022, to consider the revised 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 revised General Development Plan and Specific Approval 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 subject to the stipulations 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 revised General Development Plan and Specific Approval as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on January 19, 2023, regarding the proposed Ordinance 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 Ordinance 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.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1004.C, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design, as the two means of access is being provided, with the second access being available for emergency use.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 402.7.D.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design, as the reduction to this yard will have no impact on it, as there will be no driveway access through this yard, to affect sidewalk access in this yard.

Section 2. REVISED GENERAL DEVELOPMENT PLAN. The revised General Development Plan is hereby approved to: 1) add 160 residential units to increase the overall residential entitlements from 1,825 dwelling units to 1,985 dwelling units (single-family residential detached, attached, semi-detached and multi-family) including a previously approved golf course and amenity centers; and 2) provide an additional access point along Uihlein Road to accommodate a residential neighborhood on the northeast portion of the project, subject to the following Stipulations:

A. DESIGN AND LAND USE STIPULATIONS

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 Lorraine Road (4-lane arterial)], 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. 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.

B. ENVIRONMENTAL STIPULATIONS

1. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that will serve as wetland

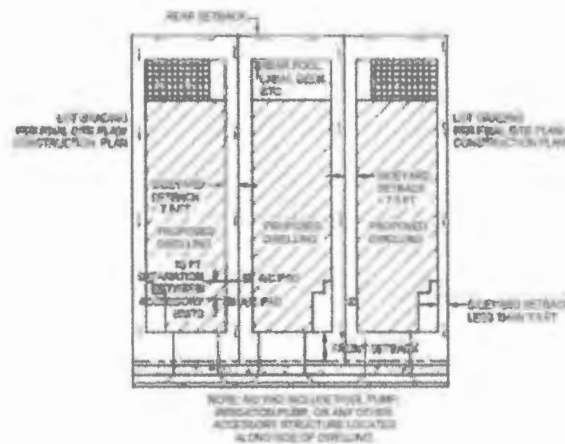
mitigation areas shall be dedicated to Manatee County prior to or concurrent with each Final Plat approval.

2. 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.
3. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
4. 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 355 of the LDC.
5. 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.
6. 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. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the subsequent Final Site Plan and Construction Plan submittal(s) 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 Mill Creek Watershed Study delineated 100-year floodplain and post-development discharge of runoff.
2. 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.
3. 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 pending Mill Creek Watershed Study (most recent version on file at the Public Works Department) to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a "no-rise" flood stage condition.

4. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Mill Creek. 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.
5. 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 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 County's Wastewater System Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by the County Engineer through the construction plans review process for the project.

E. INFRASTRUCTURE STIPULATIONS

1. In the event, the Applicant's request for Specific Approval is granted by the Board of County Commissioners to not construct a sidewalk along the frontage of Lorraine Road along the western boundary of the project, then the Applicant shall enter into a Sidewalk Agreement to provide for a payment to the County as a payment in-lieu of the construction of said sidewalk in an amount to be calculated in the Agreement. Should the Applicant fail or refuse to make the aforesaid payment in-lieu, nothing in this Ordinance shall be construed as affecting the County's right to require construction of said sidewalk and to pursue any and all legal and equitable remedies against the Applicant.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 1001.C to allow a secondary means of access to be met via an emergency access only to internal development tracts within the Planned Development; and 2) 402.7.D.7 to allow a reduction to the front yard setback for a secondary (corner lot) front yard from 20 feet to 10 feet.

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 19TH day of January 2023.



**BOARD OF COUNTY
COMMISSISONERS OF MANATEE
COUNTY, FLORIDA.**

BY:


Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY:


Deputy Clerk

Exhibit "A"

Legal Description

OVERALL ACREAGE

DESCRIPTION: A parcel of land lying in Sections 2, 3, 10, and 11, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 2, run thence along the South boundary of said Section 2, S.89°41'13"E., a distance of 3786.75 feet to a point on a non- tangent curve on the Westerly right of way of line of Uihlein Road, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2753, Page 4262, of the Public Records of Manatee County, Florida, said point also being the **POINT OF BEGINNING**; thence along said Westerly right of way line of Uihlein Road, the following four (4) courses: 1) Southerly, 141.77 feet along the arc of a non- tangent curve to the right having a radius of 3940.00 feet and a central angle of 02°03'42" (chord bearing S.01°02'17"E., 141.76 feet); 2) S.00°00'26"E., a distance of 584.73 feet; 3) S.89°59'34"W., a distance of 12.00 feet; 4) S.00°00'26"E., a distance of 262.85 feet to the Southwest corner of the right of way line of Uihlein Road, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2753, Page 4262, of the Public Records of Manatee County, Florida; thence along said Westerly right of way line of Uihlein Road, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274, S.00°00'26"E., a distance of 76.15 feet to a point of curvature on the Northerly right of way line of 44th AVENUE EAST, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274, of the Public Records of Manatee County, Florida; thence along said Northerly right of way line of 44th AVENUE EAST, the following four (4) courses: 1) Southwesterly, 78.54 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of 90°00'00" (chord bearing S.44°59'34"W., 70.71 feet); 2) S.89°59'34"W., a distance of 21.36 feet; 3) Southwesterly, 1785.42 feet along the arc of a tangent curve to the left having a radius of 2203.00 feet and a central angle of 46°26'07" (chord bearing S.66°46'30"W., 1736.95 feet); 4) Westerly, 1880.68 feet along the arc of a reverse curve to the right having a radius of 2083.00 feet and a central angle of 51°43'51" (chord bearing S.69°25'22"W., 1817.45 feet) to a point on the Northerly right of way line of 44th AVENUE EAST, as described in that Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2753, Page 4262, of the Public Records of Manatee County, Florida, thence along said Northerly right of way line of 44th AVENUE EAST, the following three (3) courses: 1) N.70°25'38"W., a distance of 51.03 feet; 2) Westerly, 328.42 feet along the arc of a non-tangent curve to the right having a radius of 2071.00 feet and a central angle of 09°05'10" (chord bearing N.78°48'02"W., 328.08 feet); 3) Westerly, 30.11 feet along the arc of a non-tangent curve to the right having a radius of 35.00 feet and a central angle of 49°17'08" (chord bearing S.81°50'01"W., 29.19 feet) to a point of curvature on the Northerly right of way line of 44th AVENUE EAST, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2746, Page 3274, of the Public Records of Manatee County, Florida; thence along said Northerly right of way line of 44th AVENUE EAST, the following eight (8) courses: 1) Westerly, 73.91 feet along the arc of a compound curve to the right having a radius of 2083.00 feet and a

central angle of 02°01'59" (chord bearing N.72°30'26"W., 73.91 feet); 2) Westerly, 1292.79 feet along the arc of a reverse curve to the left having a radius of 2203.00 feet and a central angle of 33°37'23" (chord bearing N.88°18'07"W., 1274.32 feet); 3) Westerly, 1506.15 feet along the arc of a reverse curve to the right having a radius of 2083.00 feet and a central angle of 41°25'44" (chord bearing N.84°23'57"W., 1473.55 feet); 4) Westerly, 679.75 feet along the arc of a reverse curve to the left having a radius of 2203.00 feet and a central angle of 17°40'44" (chord bearing N.72°31'27"W., 677.05 feet); 5) N.08°38'11"E., a distance of 12.00 feet; 6) Westerly, 333.88 feet along the arc of a non-tangent curve to the left having a radius of 2215.00 feet and a central angle of 08°38'11" (chord bearing N.85°40'54"W., 333.56 feet); 7) N.90°00'00"W., a distance of 66.43 feet; 8) Northwesterly, 78.47 feet along the arc of a tangent curve to the right having a radius of 50.00 feet and a central angle of 89°54'53" (chord bearing N.45°02'33"W., 70.66 feet) to a point on the East right of way line of LORRAINE ROAD, according to Road Plat Book 5, Page 190, of the Public Records of Manatee County, Florida; thence along said East right of way line of LORRAINE ROAD, N.00°05'01"W., a distance of 3270.52 feet to a point on the North boundary of Southeast 1/4 of the Southwest 1/4 of aforesaid Section 3; thence along said North boundary of the Southeast 1/4 of the Southwest 1/4 of Section 3, S.88°57'08"E., a distance of 1285.47 feet to the Northeast corner thereof; thence along the West boundary of the Southeast 1/4 of said Section 3, N.00°01'53"E., a distance of 1325.56 feet to the Center 1/4 corner of said Section 3; thence along the South boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 3, N.88°56'33"W., a distance of 1286.60 feet to aforesaid East right of way line of Lorraine Road; thence along said East right of way line of Lorraine Road, N.00°09'29"E., a distance of 1082.71 feet to a point on the Southerly boundary of that certain Amended Access Easement Agreement, according to Official Record Book 2659, Page 6158, of the Public Records of Manatee County, Florida; thence along said Southerly boundary of that certain Amended Access Easement Agreement, the following eighteen (18) courses: 1) N.89°58'46"E., a distance of 205.50 feet; 2) Easterly, 134.80 feet along the arc of a tangent curve to the left having a radius of 540.00 feet and a central angle of 14°18'08" (chord bearing N.82°49'42"E., 134.45 feet); 3) N.75°40'38"E., a distance of 165.88 feet; 4) Easterly, 114.83 feet along the arc of a tangent curve to the right having a radius of 460.00 feet and a central angle of 14°18'08" (chord bearing N.82°49'42"E., 114.53 feet); 5) N.89°58'46"E., a distance of 195.31 feet; 6) Easterly, 204.67 feet along the arc of a tangent curve to the right having a radius of 460.00 feet and a central angle of 25°29'36" (chord bearing S.77°16'26"E., 202.99 feet); 7) S.64°31'38"E., a distance of 48.38 feet; 8) Easterly, 446.67 feet along the arc of a tangent curve to the left having a radius of 540.00 feet and a central angle of 47°23'35" (chord bearing S.88°13'26"E., 434.04 feet); 9) N.68°04'47"E., a distance of 137.76 feet; 10) Easterly, 175.82 feet along the arc of a tangent curve to the right having a radius of 460.00 feet and a central angle of 21°53'59" (chord bearing N.79°01'46"E., 174.75 feet); 11) N.89°58'46"E., a distance of 468.84 feet; 12) Easterly, 119.69 feet along the arc of a tangent curve to the right having a radius of 460.00 feet and a central angle of 14°54'28" (chord bearing S.82°34'00"E., 119.35 feet); 13) S.75°06'46"E., a distance of 147.53 feet; 14) Easterly, 281.00 feet along the arc of a tangent curve to the left having a radius of 540.00 feet and a central angle of 29°48'56" (chord bearing N.89°58'46"E., 277.85 feet); 15) N.75°04'18"E., a distance of 162.76 feet; 16) Easterly, 119.69 feet along the arc of a tangent curve to the right having a radius of 460.00 feet and a central angle of 14°54'28" (chord bearing N.82°31'32"E., 119.35 feet); 17) N.89°58'46"E., a distance of 978.84 feet; 18) Northeasterly, 201.12 feet along the arc of a tangent curve to the left having a radius

of 140.00 feet and a central angle of $82^{\circ}18'28''$ (chord bearing $N.48^{\circ}49'32''E.$, 184.26 feet) to a point on the North boundary of the South 1/2 of the Northwest 1/4 of aforesaid Section 2; thence along said North boundary of the South 1/2 of the Northwest 1/4 of Section 2, and the North boundary of the South 1/2 of the Northeast 1/4 of said Section 2, $S.89^{\circ}23'20''E.$, a distance of 3894.25 feet to a point on a curve on aforesaid Westerly right of way of line of Uihlein Road, as described in Special Warranty Deed to Lakewood Ranch Stewardship District recorded in Official Records Book 2753, Page 4262, of the Public Records of Manatee County, Florida; thence along said Westerly right of way of line of Uihlein Road, the following three (3) courses: 1) Southerly, 1194.52 feet along the arc of a non-tangent curve to the right having a radius of 2143.00 feet and a central angle of $31^{\circ}56'13''$ (chord bearing $S.16^{\circ}09'35''W.$, 1179.11 feet) to a point of reverse curvature; 2) Southerly, 1894.61 feet along the arc of a reverse curve to the left having a radius of 2203.00 feet and a central angle of $49^{\circ}16'31''$ (chord bearing $S.07^{\circ}29'26''W.$, 1836.76 feet) to a point of reverse curvature; 3) Southerly, 1036.86 feet along the arc of a reverse curve to the right having a radius of 3940.00 feet and a central angle of $15^{\circ}04'41''$ (chord bearing $S.09^{\circ}36'29''E.$, 1033.87 feet) to the **POINT OF BEGINNING**.

Containing 1010.262 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

January 19, 2023

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, FL 34206

Attention: Vicki Tessmer

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-17-34(G)(R2), which was filed in this office on January 19, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra