

Manatee County Ordinance

PDR-20-01(P) - MCCLURE MOCCASIN WALLOW - MCCLURE PROPERTIES LTD (OWNER) - PLN2001-0032

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A RESIDENTIAL DEVELOPMENT CONTAINING 262 SINGLE-FAMILY DETACHED UNITS; THE PROPERTY IS ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL), ON APPROXIMATELY 128.95 ACRES AND IS GENERALLY LOCATED APPROXIMATELY ONE AND A HALF MILES EAST OF CARTER ROAD ON THE NORTH SIDE OF MOCCASIN WALLOW ROAD, PARRISH (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, McClure Properties, LTD. (the “Applicant”) filed an application for a Preliminary Site Plan for 262 single-family detached units on approximately 128.95 acres as 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 Section 403.12.D.3(K) in order to reduce the required fifteen (15) foot rear yard building setback to five (5) feet for swimming pools, pool cages, or other structures in the North Central Overlay District; and

WHEREAS, the Building and Development Services staff recommended approval of the Preliminary Site 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 10, 2020 to consider the Preliminary Site 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 Preliminary Site 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 applications for Preliminary Site 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 October 1, 2020 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 Land Development Code Section 403.12.D.3.(k) (North Central Overlay), the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by providing supplemented criteria for the alternative minimum building setback of five (5) feet for accessory structures in the North Central Overlay district. The supplemented criteria shall be made part of the requirements of the development through stipulations of this Ordinance. These supplements are as follows: Where rear lots abut the buffers, the location of large canopy trees shall be placed to allow for a minimum of fifteen (15) feet from potential accessory structures. Canopy trees will be planted midway from the edge of the buffer, for example: Ten (10) feet in a 20-foot buffer or twenty-five (25) feet in a 50-foot buffer. Understory or columnar form trees may be planted within fifteen (15) feet of an accessory structure if, at the time of Final Site Plan, it is determined that the species utilized are likely to minimize the conflicts with accessory structures.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 262 single-family detached units upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. All dumpsters, compactors, and other utility equipment shall be screened with a six foot high wall constructed with building materials consistent with the principal building(s). Compliance shall be verified with review of the building permit.
3. Final Site Plan (FSP) review and approval is required for recreational area(s) and any proposed amenities. Any structures and/or uses shall comply with the LDC requirements for parking, screening buffer (recreational use to single family), structure height, signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.
4. 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.

5. 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

1. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
2. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
3. 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, and correspondence and permits, approved by the State (Florida Fish and Wildlife Conservation Commission) shall be submitted prior to the commencement of development for any listed species found on site.
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 353.3 of the LDC.
5. A Well Management Plan for the proper protection and abandonment of the existing wells on site shall be submitted for review prior to Final Site Plan approval.
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.
7. For landscape buffers adjacent to residential units, canopy trees shall be planted midway from the edge of the buffer (i.e. 10' in a 20' buffer or 25' in a 50' buffer) to ensure a minimum 15' setback from accessory structures. Understory or columnar form trees may be planted within 15' of an accessory structure if, at time of Final Site Plan, it is determined that the species utilized are likely to minimize conflicts with structures.

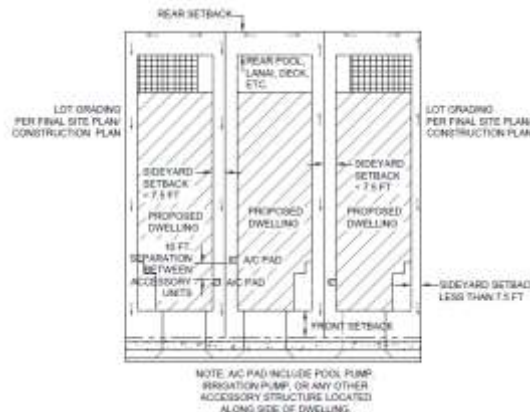
C. STORMWATER

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 (utilizing the Buffalo Canal Watershed Management Plan available through the Public Works Department) 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
100-year/24-hour 10 inches		FLMOD
100-year/72-hour 18 inches		FDOT-72

The comparison of existing pre-development condition versus the proposed post-development condition shall include results in terms of runoff and staging. 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 Buffalo Canal Watershed.
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 adopted Buffalo Canal Watershed Management Plan (available through 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. There shall be a minimum of ten (10) foot separation between accessory equipment and structures alongside adjoining houses with 5 foot side yard setbacks.



D. INFRASTRUCTURE

1. Connection to the County potable water and wastewater systems 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. Any off-site extensions shall be designed and constructed in accordance with the appropriate 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.
2. A reclaim main stub-out is required at Moccasin Wallow Road for future tie-in to the County's reclaim system when the system is extended in front of the project. (It is recommended that the project extend the existing 10" reclaim water main 440 feet to the western entrance so that reclaim water can be utilized on site.)

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Section 403.12.D.3(K). 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. 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 1st day of October 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 Section 24, Township 33 South, Range 18 East, Manatee County, Florida, and being more particularly described as follows:

BEGIN at the Northeast corner of said Section 24, run thence along the East boundary of the Northeast 1/4 of said Section 24, S.00°08'12"W., a distance of 2579.12 feet to a point on a curve, on the Northerly right-of-way line of MOCCASIN WALLOW ROAD, as described in Official Records Book 277, Page 164, and Road Plat Book 4, Page 153, both being of the Public Records of Manatee County, Florida; thence along said Northerly right-of-way line the following two (2) courses: 1) Westerly, 1460.74 feet along the arc of a non-tangent curve to the right having a radius of 2824.93 feet and a central angle of 29°37'37" (chord bearing N.73°58'46"W., 1444.52 feet); 2) N.59°09'58"W., a distance of 1450.13 feet to a point on the West boundary of aforesaid Northeast 1/4 of Section 24; thence along said West boundary, N.00°52'32"E., a distance of 1420.51 feet to the Northwest corner of the Northeast 1/4 said Section 24; thence along the North boundary of said Northeast 1/4 of Section 24, N.89°37'53"E., a distance of 2618.07 feet to the **POINT OF BEGINNING**.

Containing 128.954 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 5, 2020

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

Attention: Quantana Acevedo

Dear Ms. 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-20-01(P), which was filed in this office on October 2, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb