

Manatee County Zoning Ordinance

PDC-21-19(Z)(G) – SWIFT SELF-STORAGE / BELISA MAZZARA (OWNER) – PLN2109-0034

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 4.7 ACRES GENERALLY LOCATED EAST OF THE INTERSECTION OF UPPER MANATEE RIVER RD AND PORT HARBOUR PARKWAY, AND COMMONLY KNOWN AS 157 UPPER MANATEE RIVER NE IN BRADENTON (MANATEE COUNTY) FROM A-1 (AGRICULTURAL SUBURBAN) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR A SELF-STORAGE FACILITY OF MAXIMUM 103,039 SQUARE FEET WITH A CARETAKER RESIDENCE AND AN OUTDOOR STORAGE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Belisa Mazzara (the “Applicant”) filed an application to rezone approximately 4.7 acres described in Exhibit “A”, attached hereto, (the “Property”) from A-1 (Agricultural Suburban) to the PDC (Planned Development Commercial) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for a self-storage facility of a maximum 103,039 square feet with a caretaker residence and an outdoor storage (the “project”) on the property; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on June 9, 2022, to consider the rezone and General Development Plan applications 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, 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 A-1 (Agricultural Suburban) to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on June 16, 2022, regarding the proposed Official Zoning Atlas Amendment 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 amendment to the Official Zoning Atlas 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.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a self-storage facility of a maximum of 103,039 square feet with a caretaker residence and an outdoor storage upon the property, subject to the following Stipulations:

A. DESIGN AND LAND USE

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. Permitted Uses within the approval of the General Development Plan are limited to mini-warehouse / Self-Storage use, along with outdoor storage and an caretaker residency as accessories uses.
3. If the Port Harbour Parkway/117th Street extension is not added to the Capital Improvements Element, then alternative access, as shown on the associated GDP, will be from Upper Manatee River Rd aligning with Port Harbour Parkway.
4. A 20-foot wide landscape buffer and 20-foot setback shall be provided along the south property line if the Port Harbour Parkway extension is not approved.
5. All roof mounted mechanical equipment (e.g., HVAC) shall be screened with a solid parapet wall or other visual and noise deflecting materials. The materials shall be consistent with the construction of the principal building(s). Compliance shall be verified with review of the building permit.
6. 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 at time of submittal of a Preliminary Site Plan/ Final Site Plan and review of the building permit.
7. Building elevations shall be provided with the Preliminary Site Plan /Final Site Plan and/or building permit for review and approval.

8. Maximum height is 35 feet (up to 3 stories)
9. At time of the Preliminary Site Plan/ Final Site Plan, the project shall be subject to meet all applicable requirements of LDC Section 531.31 (mini-warehouses/self-storage), and the project shall be consistent with the GDP.
10. The caretaker residency is an optional accessory use and if included at the Final Site Plan submittal, only conventional housing types such as site-built or modular homes may be allowed.
11. Off-street parking and loading areas shall be consistent with applicable regulations of LDC Section 1005 and 1006 respectively.
12. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the 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 (Offences Concerning Dead Bodies and Graves) shall be followed.

B. ENVIRONMENTAL

1. There are no impacts to jurisdictional wetlands approved by the adoption of this Ordinance.
2. All other applicable state or federal permits shall be obtained prior to commencement of development.
3. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. 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.
4. 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

1. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Ordinance #20-22, or as amended), and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Final Site Plan and associated Drainage Modeling

shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to 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
50-year/ 24-hour 9 inches / FLMOD (*)
100-year/ 24-hour 10 inches / FLMOD
100-year/ 72-hour 18 inches / FDOT-72

(*) 50-year storm event modeling applies to thoroughfare drainage systems only.

The comparison of existing pre-development condition versus the proposed post-development development condition shall include results in terms of runoff and staging. Drainage Modeling (utilizing best available information including the South County Watershed Management Plan) shall be submitted to demonstrate compliance prior to commencement of construction.

D. INFRASTRUCTURE

1. Connection to the County water and 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 applicable 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. Fire sprinkler will be required in storage buildings greater than 2,500 sq. ft.
3. Fire hydrants will be required to be within 50 feet of the fire department connections in future submittals.
4. Private fire hydrants shall be in compliance with Manatee County Public Works Utilities Standards.
5. In the event gates are proposed within internal private driveways, any gates shall be accessible to emergency providers in accordance with the requirements of applicable county ordinances and regulations.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit "A", incorporated by reference herein, from A-1 (Agricultural Suburban) to the PDC (Planned Development Commercial) zoning district, and the Clerk of the Circuit Court, as Clerk to the

Board of County Commissioners, as well as the Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

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 16th day of June 2022.



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

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: 
Deputy Clerk

Exhibit “A”

Legal Description

Legal Description (Property Appraiser)

BEG AT A PT FD BY MEAS FM NW COR OF SEC 20, S ALG THE W LN OF SD SEC 20, A DIST OF 3448.45 FT TO POB, THENCE E 661.94 FT, THENCE S 330 FT, THENCE W 661.94 FT, THENCE N ALG THE W LN OF SD SEC 20 A DIST OF 330 FT TO THE POB AS DESC IN ORB 189 P 487, LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO MANATEE COUNTY BY INSTRUMENT AS DESC IN ORB 105 P 466 PUB REC MAN CO, FLA
PI#5485.0000/8



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 22, 2022

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 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. PDC-21-19(Z)(G), which was filed in this office on June 17, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/mas