

Manatee County Zoning Ordinance

PDC-21-24(Z)(P) - PARK IT PREMIUM OUTDOOR STORAGE - BLUE IGUANA INVESTMENT GROUP - PLN2110-0073

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 4.49 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF SR-70 E BETWEEN VERNA BETHANY ROAD AND VERNA ROAD, AND COMMONLY KNOWN AS 26635 SR-70 E, MYAKKA (MANATEE COUNTY) FROM A (GENERAL AGRICULTURE) TO THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR AN OUTDOOR STORAGE AS A PRINCIPLE USE TO ALLOW RECREATIONAL VEHICLE (RV) AND BOAT STORAGE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Blue Iguana Investment Group (the "Applicant") filed an application to rezone approximately 4.49 acres described in Exhibit "A", attached hereto, (the "Property") from A (General Agriculture) to the PDC (Planned Development Commercial) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for an outdoor storage as a principle use to allow Recreational Vehicle (RV) and Boat Storage (the "project") on the property; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on March 9, 2023, to consider the rezone, and Preliminary Site 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 from A (General Agriculture) to the PDC (Planned Development Commercial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on March 23, 2023, 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. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for an outdoor storage as a principle use to allow Recreational Vehicle (RV) and Boat Storage, upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. As shown on the Preliminary Site Plan, the permitted use on site is outdoor storage for recreational vehicles and boats.
2. At time of the Final Site Plan, the project shall be subject to meet all applicable requirements of LDC Section 531.36 (outdoor storage – principal use), and the project shall be consistent with the Preliminary Site Plan. A bathroom facility shall be included within the office building.
3. 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.
4. All dumpsters, compactors, and other utility equipment shall be screened with a six-foot-high wall/fence constructed with building materials consistent with the principal building(s). Compliance shall be verified at time of submittal of a Final Site Plan and review of the building permit.
5. 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. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. Pursuant to the November 2020 Environmental Narrative prepared by Ardurra, ninety (90) days prior to construction and land clearing, a 100% survey of suitable habitat for gopher tortoises shall be conducted as recommended. If evidence of gopher tortoises is found, a FWC permit will be obtained for relocation and/or management of tortoises.
4. If wells are encountered, 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.
5. 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 drainage impacts will be created to neighboring properties surrounding the site with respect to the Myakka River Watershed Management Plan verification model 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
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 the Myakka River Watershed Management Plan verification

model) shall be submitted to demonstrate compliance prior to commencement of construction.

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 (General Agriculture) 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 23rd day of March 2023.



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

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: **ANGELINA COLONNESO**
Clerk of the Circuit Court

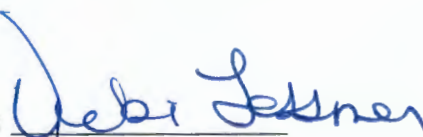
BY: 
Deputy Clerk

Exhibit "A"

Legal Description

THE EAST ONE-HALF OF THE FOLLOWING DESCRIBED PROPERTY:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°30'42" E ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 33.00 FEET TO THE EAST MONUMENTED RIGHT-OF-WAY LINE OF Verna Bethany Road; THENCE S 00°39'19" W ALONG SAID EAST MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 351.92 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S 00°39'19" W ALONG SAID EAST MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 650.23 FEET TO A POINT ON THE NORTH MONUMENTED RIGHT-OF-WAY LINE OF STATE ROAD 70; THENCE S 89°47'32" E ALONG SAID NORTH MONUMENTED RIGHT-OF-WAY LINE, A DISTANCE OF 602.00 FEET; THENCE N 00°39'19" E, 650.32 FEET; THENCE N 89°48'05" W 602.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO PLATTED RIGHT-OF-WAY NOT VACATED BY OFFICIAL RECORD BOOK 1487, PAGES 7889-7897.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

March 27, 2023

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

Attention: Julissa Santana

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-21-24(Z)(P), which was filed in this office on March 24, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh