

Manatee County Zoning Ordinance

PDMU-23-24(Z)(G) - AVID ON PARKWAY – KHOURY PROFESSIONAL OFFICES, LLC; PALM-AIRE PLAZA PARTNERSHIP, LTD.; KHOURY ENTERPRISES, LLC.; SUHAIL A. KHOURY AND JANET K. KHOURY (OWNERS) – 3RD WAVE DEVELOPMENT, LLC.; AVANTI INSIEME, LLC. (CONTRACT PURCHASERS), (PLN2306-0368)

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 SEVEN (7) PARCELS OF APPROXIMATELY 12.765 ACRES FROM PDC/WPE (PLANNED DEVELOPMENT COMMERCIAL /WATERSHED PROTECTION-EVERS OVERLAY) AND RMF-6 (RESIDENTIAL, MULTI-FAMILY-6) TO THE PDMU/WPE (PLANNED MIXED-USE/) ZONING DISTRICT, RETAINING THE WATERSHED PROTECTION-EVERS OVERLAY DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR 210 MULTI-FAMILY RESIDENTIAL UNITS AND 70,100 SQUARE FEET OF COMMERCIAL AND OFFICE USES; AND APPROVING A SCHEDULE OF PERMITTED AND PROHIBITED USES AS VOLUNTARILY PROFFERED BY THE APPLICANT (EXHIBIT B); THE SEVEN (7) PARCELS ARE GENERALLY LOCATED AT THE NORTHEAST CORNER OF WHITFIELD AVENUE AND UNIVERSITY PARKWAY, AND COMMONLY KNOWN AS 5901 WHITFIELD AVENUE, 5899 WHITFIELD AVENUE, AND 5805 WHITFIELD AVENUE, WITH THE REMAINING PARCELS UNADDRESSED, SARASOTA (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS VOLUNTARILY PROFFERED BY THE APPLICANT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Khoury Professional Offices, LLC; Palm-Aire Plaza Partnership, Ltd., Khoury Enterprises, LLC, Suhail A. Khoury and Janet K. Khoury (Owners) – 3rd Wave Development, LLC, Avanti Insieme, LLC (Contract Purchasers) (the “Applicants”) filed an application to rezone approximately 12.765 acres described in Exhibit “A”, attached hereto, (the “Property”) from PDC/WPE (Planned Development Commercial /Watershed Protection-Evers Overlay) and RMF-6 (Residential, Multi-Family-6) to the PDMU/WPE (Planned Mixed-Use/) Zoning District, retaining the Watershed Protection-Evers Overlay District; and

WHEREAS, the applicant also filed a General Development Plan for 210 multi-family residential units and 70,100 square feet of commercial and office uses (the “project”) on the property; and

WHEREAS, the applicant also filed a Schedule of Permitted and Prohibited Uses Exhibit “B” attached hereto; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 1005.3 – to reduce the required parking ratio from 1.8 spaces per dwelling unit to 1.5 spaces per dwelling unit for the multi-family use; 2) 402.7.D.(1) – to reduce the required roadway buffer width from twenty (20) feet to fifteen (15) feet along University Parkway; and 3) 402.7.D.5 and 701.4.B.4 – reduce the required greenbelt buffer width from the required fifteen (15) feet to ten (10) feet along the northwest development boundary; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on February 8, 2024, to consider the rezone, General Development Plan, Schedule of

Permitted and Prohibited Uses and Specific Approval 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 PDC/WPE (Planned Development Commercial /Watershed Protection-Evers Overlay) and RMF-6 (Residential, Multi-Family-6) to the PDMU/WPE (Planned Mixed-Use/) Zoning District, retaining the Watershed Protection-Evers Overlay District.

B. The Board of County Commissioners, after due public notice, held a public hearing on February 22, 2024, 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.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 402.7.D.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because of the strategic location of the project and the anticipated type of units.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 402.7.D.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the proposed buffer will continue to meet the intent of the LDC by providing enhanced landscape plantings exceeding standard roadway buffer requirements, and the buffer also exceeds the standard 10-foot roadway buffer width for proposed multi-family uses in standard zoning districts.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 402.7.D.5 and 701.4.B.4, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the proposed buffer will continue to meet the intent of the LDC by providing landscaping which exceeds standard screening buffer requirements, and the reduction in 5-feet is only proposed in the northwest portion of the northern buffer.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for 210 multi-family residential units and 70,100 square feet of commercial and office uses upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE CONDITIONS:

1. The uses approved for this project are limited to those uses voluntarily proffered by the Applicant as listed in the Schedule of Uses attached, a copy of which is attached hereto, labeled Exhibit "B" and made a part hereof by reference.
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. The presence of neighborhood commercial uses, which may possibly generate adverse impacts (e.g. lighting, sound, etc.) with such uses.
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 constructed with building materials consistent with the principal building(s). Compliance shall be verified with review of the building permit.
5. The maximum residential density pursuant to Policies 2.2.1.12.3. and 2.2.1.13.3. is approved within the activity node identified on the 2035 Future Traffic Circulation Functional Classification map and is contingent upon a mixed-use component, including commercial, being included within that activity node. At time of next site plan submittal for any property within the activity node, the applicant shall demonstrate and show on the site plan how mixed use will be accomplished prior to first site plan approval of the residential component. To demonstrate a mixed-use development of the activity node, the site plan shall include all uses, the acreage for each use, and intensity and density of each use. If a use is proposed in a future phase, the land area and phase shall also be identified with the first site plan approval and thereafter with each site plan submittal within the activity node.

B. INFRASTRUCTURE CONDITIONS:

1. 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 the portion that drains to Rattlesnake Slough.
2. The project shall be required to provide 150% water quality treatment for the portion that drains to Evers Reservoir.
3. Any fill within the 100-year floodplain derived from the FEMA FIRM shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. The 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can utilize drainage modeling (submitted for review to the Engineering Division of Development Services with the Construction Plan submittal) to demonstrate no adverse drainage impacts to a no-rise condition.

C. ENVIRONMENTAL CONDITIONS:

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are 2.997 acres of impact to jurisdictional wetlands being approved by the adoption of this Ordinance.
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.
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.

D. PUBLIC WORKS TRAFFIC ENGINEERING

1. Per the Manatee County Public Works Standards Part 3, Highway and Traffic Standards Manual Section 3.1.2.A, University Parkway is a limited access thoroughfare subject to the Interlocal Agreement for the Maintenance and Operation of University Parkway from US Highway 301 to Interstate 75 with Sarasota County.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 1005.3 – to reduce the required parking ratio from 1.8 spaces per dwelling unit to 1.5 spaces per dwelling unit for the multi-family use; 2) 402.7.D.(1) – to reduce the required roadway buffer width from twenty (20) feet to fifteen (15) feet along University Parkway; and 3) 402.7.D.5 and 701.4.B.4 – reduce the required greenbelt buffer width from the required fifteen (15) feet to ten (10) feet along the northwest development boundary.

Section 4. 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 PDC/WPE (Planned Development Commercial /Watershed Protection-Evers Overlay) and RMF-6 (Residential, Multi-Family-6) to the PDMU/WPE (Planned Mixed-Use/) Zoning District, retaining the Watershed Protection-Evers Overlay 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 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, 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 6. 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 7. 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 8. 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 22nd day of February 2024.



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

BY: 
Michael Rahn, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: Julissa Santana
Deputy Clerk

Exhibit "A"

Legal Description

LEGAL DESCRIPTION - "TRACT C-2"

PER THE TITLE REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT # 1357323, DATED JANUARY 9, 2023 @ 11:00 PM.

COMMENCE AT THE SE CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 89°37'09" W ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FEET; THENCE N 0°22'51" W PERPENDICULAR WITH SAID SOUTH SECTION LINE, 50.00 FEET TO THE SE CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE "CHURCH PARCEL"; THENCE S 89°37'09" W ALONG THE SOUTH LINE OF SAID "CHURCH PARCEL", AND ALONG THE NORTHERLY RIGHT OF WAY OF UNIVERSITY PARKWAY (AS DESCRIBED IN OFFICIAL RECORDS BOOK 6, PAGE 620, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA), 1564.01 FEET TO THE SE CORNER OF PARCEL 27-C (DESCRIBED IN OFFICIAL RECORDS BOOK 1113, PAGE 2461, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA); THENCE N 0°55'24" W ALONG THE EAST LINE OF SAID PARCEL 27-C, 469.28 FEET TO THE NE CORNER THEREOF; THENCE N 89°04'36" E, 165.00 FEET FOR A POINT OF BEGINNING; THENCE N 81°37'30" E, 380.20 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N 67°21'15" E, 1650.23 FEET; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 3°16'44", AN ARC DISTANCE OF 94.44 FEET (CHORD = S 24°17'07" E 94.43 FEET); THENCE S 64°04'20" W, RADIAL TO LAST CALL, 180.00 FEET; THENCE S 77°29'03" W, 256.53 FEET; THENCE N 0°55'24" W, 165.00 FEET TO THE POINT OF BEGINNING. LYING BEING IN SE 1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO EASEMENT FOR INGRESS AND EGRESS, DRAINAGE AND UTILITIES, OVER THAT PART OF THE ABOVE DESCRIBED TRACT LYING WITHIN THE FOLLOWING DESCRIBED EASEMENT, AND TOGETHER WITH A 60 FOOT EASEMENT FOR INGRESS AND EGRESS, LOCATED 30 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE: COMMENCE AT THE SE CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 89°37'09" W. ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FEET; THENCE N 00°22'51" W, PERPENDICULAR TO SAID SOUTH SECTION LINE, 50.00 FEET TO THE SE CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE "CHURCH PARCEL"; THENCE S 89°37'09" W, ALONG THE NORTH LINE OF UNIVERSITY PARKWAY (DESCRIBED IN OFFICIAL RECORDS BOOK 6, PAGE 620, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA), 1955.57 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF WHITFIELD AVENUE (120 FOOT RIGHT OF WAY DESCRIBED IN OFFICIAL RECORDS 984, PAGE 258, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA); THENCE N 0°55'24" W ALONG SAID EASTERLY RIGHT OF WAY LINE, 465.57 FEET FOR A POINT OF BEGINNING OF THE CENTER LINE OF SAID EASEMENT; THENCE N 89°04'36" E, 586.54 FEET TO THE END OF SAID CENTER LINE OF

EASEMENT. LYING AND BEING IN THE SE 1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LEGAL DESCRIPTION - "TRACT D"

PER THE TITLE REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT # 1357323, DATED JANUARY 9, 2023 @ 11:00 PM.

COMMENCE AT THE SE CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 89°37'09" W ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FEET; THENCE N 0°22'51" W PERPENDICULAR WITH SAID SOUTH SECTION LINE, 50.00 FEET TO THE SE CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE "CHURCH PARCEL"; THENCE S 89°37'09"W ALONG THE SOUTH LINE OF SAID "CHURCH PARCEL", AND ALONG THE NORTHERLY RIGHT OF WAY OF UNIVERSITY PARKWAY (AS DESCRIBED IN OFFICIAL RECORDS BOOK 6, PAGE 620, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA), 1564.01 FEET TO THE SE CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1113, PAGE 2461, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA); THENCE N 0°55'24" W ALONG THE EAST LINE OF SAID LANDS, 108.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N 0°55'24" W, 361.28 FEET TO THE NE CORNER OF SAID PARCEL 27-C; THENCE N 89°04'36" E, 165.00 FEET; THENCE S 0°55'24" E, 266.01 FEET; THENCE S 59°04'36" W, 190.53 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN THE SE 1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO EASEMENT FOR INGRESS AND EGRESS, DRAINAGE AND UTILITIES, OVER THE NORTH 30 FEET THEREOF.

SUBJECT TO EASEMENT FOR INGRESS AND EGRESS, DRAINAGE AND UTILITIES, OVER THAT PART OF THE ABOVE DESCRIBED TRACT LYING WITHIN THE FOLLOWING DESCRIBED EASEMENT, AND TOGETHER WITH A 60 FOOT EASEMENT FOR INGRESS AND EGRESS, LOCATED 30 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

COMMENCE AT THE SE CORNER OF SECTION 34, TOWNSHIP 35 SOUTH; RANGE 18 EAST; THENCE S 89°37'09" W, ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FEET; THENCE N 00°22'51" W, PERPENDICULAR TO SAID SOUTH SECTION LINE, 50.00 FEET TO THE SE CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE "CHURCH PARCEL"; THENCE S 89°37'09" W, ALONG THE NORTH LINE OF UNIVERSITY PARKWAY (DESCRIBED IN OFFICIAL RECORDS BOOK 6, PAGE 620, OF THE PUBLIC RECORDS OF MANATEE

COUNTY, FLORIDA), 1955.57 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF WHITFIELD AVENUE (120 FOOT RIGHT OF WAY DESCRIBED IN OFFICIAL RECORDS 984, PAGE 258, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA); THENCE N 0°55'24" W ALONG SAID EASTERLY RIGHT OF WAY LINE, 465.57 FEET FOR A POINT OF BEGINNING OF THE CENTER LINE OF SAID EASEMENT; THENCE N 89°04'36" E, 586.54 FEET TO THE END OF SAID CENTER LINE OF EASEMENT. LYING AND BEING IN THE SE 1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PER THE TITLE REPORT PROVIDED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, COMMITMENT # 1357323, DATED JANUARY 9, 2023 @ 11:00 PM.

COMMENCE AT THE SE CORNER OF SECTION 34, TOWNSHIP 35 SOUTH. RANGE 18 EAST, THENCE SOUTH 89°37'09" WEST, ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FEET; THENCE NORTH 00°22'51" WEST, PERPENDICULAR WITH SAID SOUTH SECTION LINE, 50.00 FEET TO THE SE CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE "CHURCH PARCEL"; THENCE SOUTH 89°37'09" WEST, ALONG THE SOUTH LINE OF SAID "CHURCH PARCEL", AND ALONG THE NORTHERLY RIGHT OF WAY LINE OF UNIVERSITY PARKWAY (AS DESCRIBED IN O.R. BOOK 6, PAGE 620, PRMCF), 800.00 FEET TO THE SW CORNER OF SAID "CHURCH PARCEL" FOR A POINT OF THENCE CONTINUE SOUTH 89°37'09" WEST ALONG SAID NORTH R/W LINE, 764.01 FEET TO THE SE CORNER OF PARCEL 27-C (DESCRIBED IN O.R. BOOK 1113, PAGE 2461, PRMCF); THENCE NORTH 00°55'24" WEST ALONG THE EAST LINE OF SAID PARCEL 27-C, 108.00 FEET; THENCE NORTH 59°04'36" EAST, 190.53 FEET; THENCE NORTH 00°55'24" WEST, 101.01 FEET; THENCE NORTH 77°29'03" EAST, 256.53 FEET; NORTH 64°04'20" EAST, 180.00 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT LIES NORTH 64°04'30" EAST, 1850.23 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 07°27'21", AN ARC DISTANCE OF 214.74 FEET (CHORD= SOUTH 29°39'10" EAST, 214.59 FEET) TO THE PT; THENCE SOUTH 33°22'52" EAST, 102.63 FEET TO THE PC OF A CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG SAID CURVE, HAVING A RADIUS OF 172.78 FEET, THROUGH A CENTRAL ANGLE OF 33°00'00", AN ARC DISTANCE OF 99.51 FEET TO THE PT; THENCE SOUTH 00°22'51" EAST, 70.00 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SE 1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO EASEMENT FOR INGRESS AND EGRESS, DRAINAGE AND UTILITIES, OVER THAT PART OF THE ABOVE DESCRIBED TRACT LYING WITHIN THE FOLLOWING DESCRIBED EASEMENT, AND TOGETHER WITH A 60 FOOT

EASEMENT FOR INGRESS AND EGRESS LYING 30 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE SE CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE SOUTH 89°37'09" WEST, ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FEET; THENCE NORTH 00°22'51" WEST, PERPENDICULAR TO SAID SOUTH SECTION LINE, 50.00 FEET TO THE SE CORNER OF THAT CERTAIN PARCEL KNOWN AS THE "CHURCH PARCEL"; THENCE SOUTH 89°37'09" WEST, ALONG THE NORTH LINE OF UNIVERSITY PARKWAY (DESCRIBED IN O.R. BOOK 6, PAGE 620, PRMCF) 1955.57 FEET TO THE INTERSECTION WITH THE EASTERLY R/W LINE OF WHITFIELD AVENUE (120 FEET R/W DESCRIBED IN O.R. BOOK 984, PAGE 258, PRMCF); THENCE NORTH 00°55'24" EAST, ALONG SAID EASTERLY R/W LINE, 465.57 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID EASEMENT; THENCE NORTH 89°04'36" EAST, 588.54 FEET; THENCE SOUTH 00°55'24" EAST, 158.85 FEET TO THE END OF CENTERLINE OF SAID EASEMENT (SAID END OF EASEMENT BEING ON A PROPERTY LINE WHOSE BEARING IS NORTH 77°29'03" EAST) LYING AND BEING IN SE 1/4 OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

LEGAL DESCRIPTION - TRACT "27A" & "27C"

PER OFFICIAL RECORDS BOOK 1574, PAGE 6685, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

COMMERCIAL AREA SUB-PARCEL (DEVELOPMENT AREA 27A):

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 89°37'09" W, ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FT.; THENCE N 00°22'51" W, PERPENDICULAR WITH SAID SOUTH SECTION LINE, 50.00 FT. TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE "CHURCH PARCEL"; THENCE S 89°37'09" W, ALONG THE SOUTH LINE OF SAID "CHURCH PARCEL", ALSO BEING THE NORTHERLY LINE OF A 50.00 FT. WIDE MANATEE COUNTY R/W FOR "UNIVERSITY PARKWAY", (COUNTY LINE ROAD), AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 6, PAGE 620, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 1610.45 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 89°37'09" W ALONG SAID NORTHERLY MANATEE COUNTY R/W LINE, 80.12 FT. TO THE SOUTHEAST CORNER OF A TRIANGULAR SHAPED LANDSCAPE PARCEL; THENCE N 49°35'12" W ALONG THE NORTHEASTERLY LINE OF SAID LANDSCAPE PARCEL, 352.92 FT. TO THE INTERSECTION WITH THE EASTERLY R/W LINE OF "WHITFIELD AVENUE"; THENCE N 00°55'24" W, ALONG SAID EASTERLY R/W LINE 234.98 FT. ; THENCE N 89°04'36" E, PERPENDICULAR WITH SAID EASTERLY R/W LINE, 345.10 FT; THENCE S 00°55'24" E, PARALLEL WITH SAID EASTERLY R/W LINE, 468.84 FT. TO THE

POINT OF BEGINNING, BEING AND LYING IN SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; AND

COMMERCIAL AREA SUB-PARCEL (DEVELOPMENT AREA 27C):

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 89°37'09" W, ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FT.; THENCE N 00°22'51" W, PERPENDICULAR WITH SAID SOUTH SECTION LINE, 50.00 FT. TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS THE "CHURCH PARCEL", THENCE S 89°37'09" W, ALONG THE SOUTH LINE OF SAID "CHURCH PARCEL", ALSO BEING THE NORTHERLY LINE OF A 50.00 FT. WIDE MANATEE COUNTY R/W FOR "UNIVERSITY PARKWAY", (COUNTY LINE ROAD), AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 6, PAGE 620, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 1564.01 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 89°37'09" W, ALONG SAID NORTHERLY MANATEE COUNTY R/W LINE, 46.44 FT.; THENCE N 00°55'24" W, 468.84 FT.; THENCE N 89°04'36" E, 46.43 FT., THENCE S 00°55'24" E, 469.28 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS, DRAINAGE AND UTILITIES OVER A STRIP OF LAND 60 FT. IN WIDTH, THE CENTERLINE OF WHICH IS THE NORTH LINE OF THE AFORESAID PARCELS 27-A AND 27-C

LEGAL DESCRIPTION - PREPARED BY SURVEYOR PARCEL T1

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE RUN NORTH 89°26'59" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 34, A DISTANCE OF 40.00 FEET; THENCE DEPARTING THE SAID SOUTH SECTION LINE, RUN NORTH 00°00'28" EAST, PERPENDICULAR WITH THE SAID SOUTH SECTION LINE, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF THE PROPERTY KNOWN AS THE "CHURCH PARCEL," AS DESCRIBED IN OFFICIAL RECORDS BOOK 1574, PAGE 6685, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID POINT ALSO LYING ON THE NORTH RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY (A 250.00 FEET PUBLIC RIGHT-OF-WAY PER OFFICIAL RECORDS BOOK 6, PAGE 620, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA); THENCE RUN NORTH 89°26'59" WEST ALONG THE SOUTH LINE OF SAID "CHURCH PARCEL" AND SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,610.45 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE NORTH 89°26'59" WEST, A DISTANCE OF 130.10 FEET; THENCE DEPARTING SAID SOUTH LINE AND SAID NORTH RIGHT-OF-WAY LINE,

RUN NORTH 48°39'20" WEST, A DISTANCE OF 179.66 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WHITFIELD AVENUE (A 120.00 PUBLIC RIGHT-OF- WAY PER OFFICIAL RECORDS BOOK 984, PAGE 258, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA); THENCE RUN NORTH 00°00'28" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 113.21 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTH 48°39'20" EAST, A DISTANCE OF 352.92 FEET TO THE POINT OF BEGINNING; SAID PARCEL LYING IN MANATEE COUNTY, FLORIDA, AND CONTAINING 0.520 ACRES, MORE OR LESS.

LEGAL DESCRIPTION - PARCEL ID 2052000409

PER INSTRUMENT #201741123134, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

PARCEL 1:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89°37'09" W, ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FEET; THENCE N 00°22'51" W, PERPENDICULAR WITH SAID SECTION LINE, 50.00 FEET TO THAT CERTAIN PARCEL OF LAND KNOWN AS THE "CHURCH PARCEL"; THENCE S 89°37'09" W, ALONG THE SOUTH LINE OF SAID "CHURCH PARCEL", ALSO BEING THE NORTHERLY LINE OF UNIVERSITY PARKWAY (COUNTY LINE ROAD) AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 6, PAGE 620, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, 1955.57 TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF "WHITFIELD AVENUE"; THENCE N 00°55'24" W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 465.57 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°55'24" W, ALONG SAID EASTERLY RIGHT OF WAY LINE, 177.50 FEET; THENCE N 89°04'36" E, PERPENDICULAR WITH SAID EASTERLY RIGHT OF WAY LINE, 184.00 FEET; THENCE S 00°55'24" E, PARALLEL WITH SAID EASTERLY RIGHT OF WAY LINE 177.50 FEET; THENCE S 89°04'36" W, PERPENDICULAR WITH SAID EASTERLY SLIGHT OF WAY LINE, 184.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

TOGETHER WITH AND SUBJECT TO A NON-EXCLUSIVE EASEMENT FOR INGRESS/EGRESS, DRAINAGE AND UTILITIES OVER A STRIP OF LAND 60 FEET IN WIDTH, THE CENTERLINE OF WHICH IS THE SOUTH LINE OF THE ABOVE DESCRIBED 75 ACRE PARCEL, AS SET FORTH IN CORRECTIVE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 1467 PAGE 7352, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

LEGAL DESCRIPTION – PARCEL ID 2052000359

PER INSTRUMENT #201741123133, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

TRACT "A"

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE SOUTH 89°37'09" WEST ALONG THE SOUTH LINE OF SAID SECTION 34, 40.00 FEET; THENCE NORTH 00°22'51" WEST, PERPENDICULAR WITH SAID SOUTH SECTION LINE, 50.00 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND KNOWN AS "CHURCH PARCEL"; THENCE SOUTH 89°37'09" WEST

ALONG THE SOUTH LINE OF SAID "CHURCH PARCEL" AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF UNIVERSITY PARKWAY (AS DESCRIBED IN OR BOOK 6, PAGE 620, PRMCF), 1955.57 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF WHITFIELD AVENUE (120 FEET R/W DESCRIBED IN OR BOOK 984, PAGE 258 PRMCF); THENCE NORTH 00°55'24" WEST ALONG SAID EASTERLY R/W LINE, 643.07 FEET TO A POINT OF BEGINNING; THENCE CONTINUE NORTH 00°55'24" WEST ALONG SAID EASTERLY R/W LINE, 81.49 FEET TO THE SOUTHERLY LINE OF TURNBURY PARK DRIVE; THENCE ALONG THE SOUTHERLY LINE OF TURNBURY PARK DRIVE, NORTH 89°04'36" EAST, 100.00 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 300 FEET, THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°15'37", AN ARC DISTANCE OF 85.14 FEET (CHORD= NORTH 80°56'48" EAST, 84.85 FEET); THENCE SOUTH 00°55'24" EAST, 93.49 FEET; THENCE SOUTH 89°04'36" WEST, 184.00 FEET TO THE POINT OF BEGINNING; LYING AND BEING IN SOUTHEAST ¼ OF SECTION 34, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY FLORIDA, TOGETHER WITH AND EASEMENT FOR INGRESS AND EGRESS OVER TURNBURY PARK DRIVE, A PRIVATE ROAD AS DESCRIBED IN OR BOOK 1511, PAGE 5004-5007, PRMCF.



Avid on Parkway
Schedule of Uses

PDMU – CURRENT MUNICODE

Land Use		PDR	PDO	PDC	PDRP	PDI	PDPI	PDW	PDMU	PDRV	PDMH	PDGC	PDA	PDEZ
AGRICULTURAL USES														
Agricultural Research Facilities	---	X	X	P	P	X	P	X	P	X			P	P
Agricultural Uses	531.1	P	P	P	P	P	P	P	P	P			P	P
Agricultural Products Processing Plants	531.1	X	X	X	X	P	X	X	P	X			P	P
Animal Products Processing Facility	531.1	X	X	X	X	P	X	X	PR	X			P	P
Short Term Agricultural Uses	531.1	P	X	P	X	X	X	X	P	X			P	P
Stables or Equestrian Centers- Private	531.1	P	X	X	X	X	X	X	P	P			P	X
Stables or Equestrian Centers- Public	531.1	X	X	P	X	X	P	X	P	X			P	X
Tree Farm	531.1	X	X	X	X	X	P	X	P	X			P	X
Animal Services (Wild and Exotic)	531.5	P	P	P	P	P	P	P	P	P			P	P
Breeding Facility (Non-Wild & Exotic)	531.8	X	X	P	P	P	P	X	P	X			P	X
Farming Service Establishments	531.18	X	X	P	X	X	X	X	P	X			P	P
Farm Worker Housing	531.19	X	X	X	X	X	X	X	P	X			X	X
Pet Service (Kennel) Establishments	531.38	X	X	P	P	X	X	X	P	X			P	X
Sawmills	531.1	X	X	X	X	P	X	X	P	X			X	P
Slaughterhouses	531.1	X	X	X	X	P	X	X	P	X			X	X
Stockyards and Feedlots ⁴	531.1	X	X	X	X	P	P	X	P	X			X	X
Veterinary Hospitals	531.58	X	X	P	X	P	P	X	P	X			X	X
COMMERCIAL - RETAIL														

Alcoholic Beverage Establishment	531.4	X	X	SP	X	SP	X	SP	SP	X	X	X	X	X
Alcoholic Beverage Establishment - 2 COP License	531.4	X	X	P	X	X	X	X	P	X	X	X	X	X
Auction Houses, Enclosed	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Auction Houses, Open	531.6	X	X	P	X	P	X	X	P	X	X	X	X	X
Building Materials Sales Establishment	531.9	X	X	P	X	X	X	X	P	X	X	X	X	X
Lumberyard	531.9	X	X	X	X	P	X	X	P	X	X	X	X	P
Drive-Through Establishments	531.16	X	X	P	P	P	X	X	P	X	X	X	X	P
Gas Pumps	531.51	X	X	P	P	P	P	P	P	P	X	X	X	P
Recreational Vehicle/Mobile Home Sales, Rental & Leasing	531.43	X	X	P	X	X	X	X	P	P	X	X	X	X
Restaurant	531.48	X	P	P	P	P	X	P	P	X	X	X	X	P
Retail Sales, Neighborhood Convenience	531.49	X	P	P	P	P	X	P	P	P	P	X	P	X
Medical Marijuana Treatment Center Dispensing Facility	531.49	X	P	P	P	P	X	P	P	P	P	X	P	X
Retail Sales, General	531.49	X	P	P	P	P	X	P	P	P	P	X	P	X
Service Station	531.51	X	X	P	X	P	X	X	P	X	X	X	X	P
Vehicle Sales, Rental, Leasing	531.57	X	X	P	X	P	X	X	P	X	X	X	X	X
COMMERCIAL - SERVICES														
Bed and Breakfast	531.7	P	X	P	X	X	X	P	P	X	X	X	P	X
Business Services	—	X	P	P	P	P	P	X	P	X	X	X	X	X
Printing, Medium	—	X	X	P	X	P	X	X	P	X	X	X	X	X
Printing, Small	—	X	P	P	X	P	X	X	P	X	X	X	X	X
Car Wash: Full Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Incidental	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Car Wash: Self-Service	531.10	X	X	P	X	P	P	X	P	X	X	X	X	X
Clinics	—	X	P	P	X	X	P	X	P	X	X	X	X	X
Equipment sales, rental, leasing, storing and repair—heavy	531.18	X	X	P	X	P	X	X	P	X	X	X	X	P
Construction equipment	531.18	X	X	P	X	P	P	X	P	X	X	X	X	X

Equipment sales, rental, leasing, storing and repair—light	—	X	X	P	X	P	X	X	P	X	X	X	X	
Food Catering Service Establishment	531.21	X	X	P	X	P	X	X	P	X	X	X	X	X
Free Standing Emergency Department (FSED) ⁵	531.62	X	X	P	X	X	X	X	P	X	X	X	X	X
Funeral Chapel	531.22	P	P	P	X	X	X	X	P	X	X	X	P	X
Funeral Home	531.22	X	P	P	X	X	X	X	P	X	X	X	X	X
Hospital ¹		X	X	X	X	X	P	X	P	X	X	X	X	X
Intensive Services: Exterminating and Pest Control	531.26	X	X	X	X	X	X	X	P	P	X	P	X	P
Intensive Services: Printing, Heavy	—	X	X	X	X	P	X	X	X	X	X	X	X	P
Intensive Services: Industrial Service Establishment	531.26	X	X	P	P	P	X	X	P	X	X	X	X	P
Intensive Services: Sign Painting Service	531.26	X	X	P	X	P	P	X	P	X	X	X	X	X
Intensive Services: Taxi-Cab, Limousine Service	531.26	X	X	P	X	P	X	X	P	X	X	X	X	X
Intensive Services: All others	531.26	X	X	P	X	P	P	X	P	X	X	X	X	P
Laboratories, Medical and Dental	—	X	P	P	P	P	P	X	P	X	X	X	X	X
Lodging Places: Boarding House	531.28	P	X	X	X	X	X	X	P	X	X	X	X	X
Lodging Places: Boatel	531.28	X	X	X	X	X	X	P	P	X	X	X	X	X
Lodging Places: Dormitories	531.28	P	X	X	X	X	P	X	P	X	X	X	X	X
Lodging Places: Hospital Guest House	531.28	X	X	P	X	X	P	X	P	X	X	X	X	X
Lodging Places: Hotel/motel	531.28	X	X	P	P	P ²	P	P	P	X	X	X	X	P
Office, Medical or Professional	531.61	P	P	P	P	P	P	P	P	P	X	X	X	X
Miscellaneous Services: Office	—	X	P	P	P	P	P	P	P	X	X	X	P	X
Banking: Bank	—	X	P	P	P	P	X	X	P	X	X	X	X	X
Banking: Bank/Drive-through	531.16	X	P	P	P	P	X	X	P	X	X	X	X	P
Personal Service Establishment	—	P	P	P	P	P	P	X	P	P	X	P	X	
Dry Cleaners: General	—	X	P ³	P	P ³	P	P	X	P	X	X	X	X	X

[illegible]



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 23, 2024

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

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. PDMU-23-24(Z)(G), which was filed in this office on February 22, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh