

Manatee County Zoning Ordinance

PDR-20-19(Z)(P) –MATTAMY CANAL ROAD – HAYMAN MONTEEN C TRUST & HAYMAN, HOLLIS B TESTAMENTARY TRUST (OWNERS) – MATTAMY TAMPA/SARASOTA, LLC (CONTRACT PURCHASER) – PLN2010-0034

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 26.91 ACRES GENERALLY LOCATED ON THE EAST SIDE OF CANAL ROAD APPROXIMATELY 550-FEET SOUTH OF US 41 NORTH, AND COMMONLY KNOWN AS 5520 16TH AVENUE EAST, PALMETTO (MANATEE COUNTY), FROM RDD-6 (RESIDENTIAL DUPLEX DISTRICT – 6 DWELLING UNITS/ACRE – 7.9 ACRES) AND A-1 (SUBURBAN AGRICULTURE – 1 DWELLING UNIT/ACRE – 19.1 ACRES) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT, APPROVING A PRELIMINARY SITE PLAN FOR A MAXIMUM OF 95 SINGLE-FAMILY RESIDENTIAL UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Hayman Monteen C Trust & Hayman, Hollis B Testamentary Trust (Owners) – Mattamy Tampa/Sarasota, LLC (Contract Purchaser), (the “Applicants”) filed an application to rezone approximately 26.91 acres described in Exhibit “A”, attached hereto, (the “Property”) from RDD-6 (Residential Duplex District – 6 Dwelling Units/Acre – 7.9 Acres) and A-1 (Suburban Agriculture – 1 Dwelling Unit/Acre – 19.1 Acres) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for a maximum of 95 single-family residential units (the “project”) on the property; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on May 13, 2021 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 applications for Official Zoning Atlas Amendment as it relates to the real property described in Exhibit “A” of this Ordinance from RDD-6 (Residential Duplex District – 6 Dwelling Units/Acre – 7.9 Acres) and A-1 (Suburban Agriculture – 1 Dwelling Unit/Acre – 19.1 Acres) to the PDR (Planned Development Residential) zoning district and Preliminary Site Plan.

B. The Board of County Commissioners, after due public notice, held a public hearing on June 3, 2021 regarding the proposed Official Zoning Atlas Amendment and Preliminary Site Plan 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 and Preliminary Site Plan 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 a maximum of 95 single-family residential units upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE

1. 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.
2. No lots shall be platted through any landscape buffers, retention ponds, wetlands, wetland buffers, or upland preservation areas.
3. If the project is to be developed in phases, a phasing plan shall be shown on the Final Site Plan.

4. 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.
5. In the event the internal roads are private, any gates shall be accessible to emergency providers in accordance with the requirements of all applicable County ordinances and regulations.
6. 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 Site Plan, and shall include language informing prospective homeowners in the project of the following:
 - a. There is a planned thoroughfare adjacent to the project (i.e. Canal Road, a four-lane collector roadway), and potential noise associated with this planned roadway.
 - b. The presence of potential/active agricultural operations in the nearby area and their potential impacts (noise and odor).
 - c. If the development will become a private community, the internal streets within this subdivision will be privately owned and maintained by the Homeowner's Association or other appropriate legal entity.
7. The four lots noted with an asterisk (*) and adjacent to Deer Run will be a minimum of 50' wide lots to ensure compatibility with the larger lots sizes in Deer Run.

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. No lots shall be platted through landscape buffers, retention ponds, post-development wetlands, wetland buffers or upland preservation areas.
4. Since wells are on site, 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.

C. STORMWATER

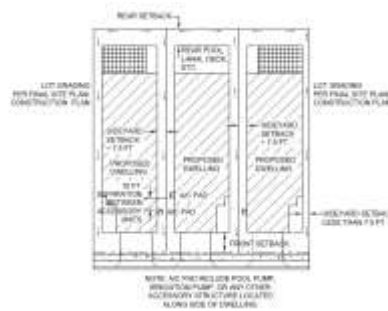
1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to 25- and 100-year rainfall inundation 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 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 McMullen Creek Watershed.
3. A Drainage Easement shall be dedicated to Manatee County and be provided within the project boundaries for Balsinger's Canal (County designated maintenance system "N-48"). In addition, twenty-five (25) feet Drainage-Maintenance Access Easements shall be provided along this drainage system. Manatee County is only responsible for maintaining the free flow of drainage through this drainage system.
4. 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. 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. Such off-site extension 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.

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 RDD-6 (Residential Duplex District – 6 Dwelling Units/Acre – 7.9 Acres) and A-1 (Suburban Agriculture – 1 Dwelling Unit/Acre – 19.1 Acres) to the PDR (Planned Development Residential) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Building and 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 3rd day of June 2021.



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

BY:


Vanessa Baugh, Chairperson

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY:


Deputy Clerk

Exhibit “A”

Legal Description

PARCEL 1

THE WESTERLY 600 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, LESS THE S.A.L. RR RIGHT-OF-WAY IN SECTION 31, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

AND PARCEL 2

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, LESS S.A.L. RR RIGHT-OF-WAY, ALL BEING IN SECTION 31, TO'M'-JSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; ALSO LESS THE WESTERLY 600 FEET THEREOF.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 7, 2021

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-20-19(Z)(P), which was filed in this office on June 4, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb