

Manatee County Zoning Ordinance

PDR-21-11(Z)(G) [related to PDR-06-17(P)] – THE COVE AT TERRA CEIA BAY VILLAS – TERRA CEIA LAND VENTURES I, LLC (OWNER) – PLN2008-0062

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 0.63 ACRES FROM AGRICULTURE SUBURBAN DISTRICT (A-1) TO THE PLANNED DEVELOPMENT RESIDENTIAL (PDR) ZONING DISTRICT ON THE SOUTHEAST PORTION OF A 15.757-ACRE SITE (15.127 ACRES ALREADY ZONED PDR), AND GENERALLY LOCATED ON 2ND AVENUE EAST, APPROXIMATELY SIX HUNDRED, FIFTY FEET NORTH OF 49TH STREET EAST, BETWEEN US 19 AND US 41 NORTH, IN PALMETTO (MANATEE COUNTY); APPROVING A GENERAL DEVELOPMENT PLAN FOR AN ADDITIONAL 7 MULTI-FAMILY UNITS WITH AT LEAST 25-PERCENT OF THE UNITS DESIGNATED AS AFFORDABLE HOUSING FOR A TOTAL OF 39 MULTI-FAMILY UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Terra Ceia Land Ventures, LLC (the “Applicant”) filed an application to rezone approximately 0.63 acres on the southeast portion of a 15.757-acre site; described in Exhibit “A”, attached hereto, (the “Property”) from Agriculture Suburban District (A-1) to the Planned Development Residential (PDR) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for an additional 7 multi-family units with at least 25-percent of the units designated as affordable housing, subject to the Applicant entering into a land use and deed restriction agreement for a total of 39 multi-family units (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Section 1005.7.D to allow backing of vehicles onto a public or private travel lane; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on August 12, 2021, to consider the rezone, General Development Plan 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 approximately 0.63 acres on the southeast portion of a 15.757-acre site Exhibit “B”; attached hereto, (the “Property”) from Agriculture Suburban District (A-1) to the Planned Development Residential (PDR) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on September 2, 2021, 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 1005.7.D, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by the proposed design because adequate separation from the garage to the internal edge of the sidewalk will be provided to promote safe pedestrian movements and avoiding potential obstruction along sidewalks.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for an additional 7 multi-family units with at least 25-percent of the units designated as affordable housing, subject to the Applicant entering into a land use and deed restriction agreement for a total of 39 multi-family units upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE STIPULATIONS

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. All other applicable state or federal permits shall be obtained before commencement of the development.
3. The applicant shall enter into a land use and deed restriction agreement with the County to provide for the designated number of affordable housing units in accordance with Section 545.2 of the Land Development Code. A minimum of 25% of the seven (7) additional units shall be retained as affordable housing (2 units).
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. The maximum height for the residential portion of the project is limited to two (2) stories.

B. INFRASTRUCTURE STIPULATIONS

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.

C. ENVIRONMENTAL STIPULATIONS

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 post-development wetlands, wetland buffers or upland preservation areas.
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.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Section 1005.7.D to allow backing of vehicles onto a public or private travel lane.

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, for approximately 0.63 acres on the southeast portion of a 15.757-acre site Exhibit “B”; attached hereto, (the “Property”) from Agriculture Suburban District (A-1) to the Planned Development Residential (PDR) 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.

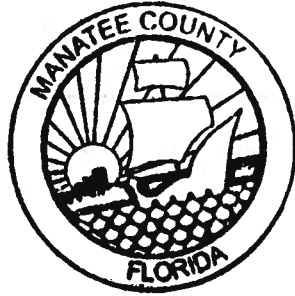
Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality shall 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 2nd day of September 2021.



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

BY: _____

Vanessa Baugh, Chairperson

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

BY: _____

Deputy Clerk

Exhibit "A"

Legal Description

(PER REFERENCED TITLE COMMITMENT)

PARCEL 3

BEING A PORTION OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 1455, PAGE 1766, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAME BEING A PORTION OF SECTION 36, TOWNSHIP 33 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 33 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH 89°35'28" EAST, ALONG THE SOUTH LINE OF SAID SECTION 36, SAME BEING THE CENTER LINE OF 49TH STREET EAST, A DISTANCE OF 1065.01 FEET; THENCE LEAVING SAID SOUTH LINE OF SECTION 36 AND SAID CENTER LINE OF 49TH STREET EAST, NORTH 00°19'35" WEST, A DISTANCE OF 318.48 FEET TO A POINT ON THE EAST LINE OF PALMS OF MANASOTA, RECORDED IN CONDOMINIUM BOOK 29, PAGE 110, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE NORTH 00°19'35" WEST, ALONG SAID EAST LINE OF PALMS OF MANASOTA AND ALONG THE EAST LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 332, PAGE 371, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, A DISTANCE OF 474.38 FEET; THENCE LEAVING SAID EAST LINE OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 332, PAGE 371, SOUTH 89°34'12" EAST, A DISTANCE OF 275.55 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36, TOWNSHIP 33 SOUTH, RANGE 17 EAST, SAME BEING A POINT ON THE WEST LINE OF BAYSHORE TERRACE RESUBDIVISION, RECORDED IN PLAT BOOK 5, PAGE 54, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE SOUTH 00°19'35" EAST, ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 AND SAID WEST LINE OF BAYSHORE TERRACE SUBDIVISION, A DISTANCE OF 109.79 FEET; THENCE LEAVING SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 AND SAID WEST LINE OF BAYSHORE TERRACE SUBDIVISION, NORTH 89°34'12" WEST, A DISTANCE OF 250.55 FEET; THENCE SOUTH 00°19'35" EAST, A DISTANCE OF 364.59 FEET; THENCE NORTH 89°34'12" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE WEST 25 FEET THEREOF.

A/K/A PARCEL 5.1

TOGETHER WITH NON-EXCLUSIVE PERPETUAL EASEMENT FOR ACCESS, INGRESS AND EGRESS OVER AND ACROSS THE "PRIVATE ROAD" SOMETIMES REFERRED TO AS PARCEL A, AS SET OUT ON EXHIBIT C OF THE EASEMENT, MAINTENANCE AND COST SHARING AGREEMENT RECORDED IN BOOK 2433, PAGE 1370, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

TOGETHER WITH VILLAS BLANKET EASEMENT AS DEFINED AND DESCRIBED IN THAT CERTAIN EASEMENT, MAINTENANCE, AND COST SHARING AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 2433, PAGE 1370.

TOGETHER WITH PARCEL 5.1 EASEMENT FOR ACCESS TO THE "PRIVATE ROAD", AS MORE PARTICULARLY DESCRIBED IN EASEMENT, MAINTENANCE AND COST SHARING

AGREEMENT RECORDED IN BOOK 2433, PAGE 1370, PUBLIC RECORD OF MANATEE COUNTY, FLORIDA.

EXHIBIT “B”

OVERALL ACREAGE LEGAL DESCRIPTION

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 33 SOUTH, RANGE 17 EAST; THENCE S 89°34'12" E, ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 1065.01 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND, AS DESCRIBED AND RECORDED IN O. R. BOOK 332, PAGE 371 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00°19'35" W, ALONG THE EAST LINE OF SAID CERTAIN PARCEL IN O.R. BOOK 332, PAGE 371, ALSO BEING THE EAST LINE OF “PALMS OF MANASOTA” CONDOMINIUM, AS RECORDED IN CONDO BOOK 29, PAGES 109 & 110 OF SAID PUBLIC RECORDS, AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 318.48 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°19'35" W, ALONG SAID EAST LINE, A DISTANCE OF 68.73 FEET TO THE NORTHEAST CORNER OF SAID “PALMS OF MANASOTA” CONDOMINIUM; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID “PALMS OF MANASOTA” CONDOMINIUM, THE FOLLOWING 14 COURSES: S 89°40'25" W, A DISTANCE OF 89.23 FEET; THENCE S 64°47'53" W, A DISTANCE OF 23.74 FEET; THENCE S 84°56'27" W, A DISTANCE OF 35.21 FEET; THENCE S 81°40'03" W, A DISTANCE OF 48.29 FEET; THENCE S 70°04'03" W, A DISTANCE OF 27.83 FEET; THENCE N 59°43'23" W, A DISTANCE OF 54.38 FEET; THENCE N 68°42'32" W, A DISTANCE OF 25.88 FEET; THENCE N 36°56'54" W, A DISTANCE OF 58.26 FEET; THENCE N 38°07'29" W, A DISTANCE OF 63.67 FEET; THENCE N 59°04'18" W, A DISTANCE OF 52.09 FEET; THENCE N 73°06'25" W, A DISTANCE OF 43.49 FEET; THENCE N 63°29'46" W, A DISTANCE OF 62.11 FEET; THENCE N 81°06'49" W, A DISTANCE OF 35.81 FEET; THENCE N 73°59'21" W, A DISTANCE OF 29.65 FEET TO THE NORTHWEST CORNER OF SAID “PALMS OF MANASOTA” CONDOMINIUM; THENCE N 00°18'58" W, ALONG THE EAST LINE OF THOSE CERTAIN PARCELS OF LAND, AS DESCRIBED AND RECORDED IN O.R. BOOK 974, PAGE 573 AND DEED BOOK 349, PAGE 52 OF SAID PUBLIC RECORDS, A DISTANCE OF 754.38 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36, ALSO BEING THE NORTHEAST CORNER OF SAID CERTAIN PARCEL IN DEED BOOK 349, PAGE 52; THENCE S 89°34'21" E, ALONG SAID NORTH LINE, A DISTANCE OF 854.31 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4, A DISTANCE OF 528.59 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN O.R. BOOK 1455, PAGE 1766 OF SAID PUBLIC RECORDS; THENCE N 89°34'12" W, ALONG THE NORTH LINE OF SAID PARCEL IN O.R. BOOK 1455, PAGE 1766, A DISTANCE OF 250.55 FEET; THENCE S 00°19'35" E, PARALLEL TO THE WEST LINE OF SAID PARCEL IN O.R. BOOK 1455, PAGE 1766 AND 25.0 FEET EASTERLY THEREFROM, A DISTANCE OF 474.38 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID PARCEL IN O.R. BOOK 1455, PAGE 1766; THENCE N 89°34'12" W, ALONG THE SOUTH LINE OF SAID PARCEL IN O.R. BOOK 1455, PAGE 1766, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 658,942 SQUARE FEET OR 15.127 ACRES.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 3, 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-21-11(Z)(G), which was filed in this office on September 3, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb