

## Manatee County Ordinance

### **PDR-21-21(P) – HOPE VILLAGE – HELP TO HOME, INC. – PLN2109-0100**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A RESIDENTIAL DEVELOPMENT CONTAINING FIFTY-THREE (53) MULTI-FAMILY RESIDENTIAL UNITS ON PROPERTY ZONED PDR (PLANNED DEVELOPMENT RESIDENTIAL) AND WITH AT LEAST TWENTY-FIVE PERCENT (25%) OF THE UNITS DESIGNATED AS AFFORDABLE HOUSING; ON APPROXIMATELY 4.83 ACRES OF LAND AND IS GENERALLY LOCATED APPROXIMATELY ONE-QUARTER (1/4) MILE WEST OF 14<sup>TH</sup> STREET WEST ON THE SOUTH SIDE OF 30<sup>TH</sup> AVENUE WEST HAVING AN ADDRESS COMMONLY KNOWN AS 1825 30<sup>TH</sup> AVENUE WEST BRADENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Help to Home, Inc. (the “Applicant”) filed an application for a Preliminary Site Plan for a residential development containing fifty-three (53) multi-family residential units on property zoned PDR (Planned Development Residential) and with at least twenty-five percent (25%) of the units designated as affordable housing on approximately 4.83 acres as described in Exhibit “A”, attached hereto, (the “Property”); and

**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1.a) 701.4.B.4.i (Residential Greenbelts) to reduce a segment of the PSP boundary greenbelt buffer from fifteen (15) feet to seven (7) feet along the west side of the drive-aisle entranceway as shown; 1.b) 701.4.B.4.i (Residential Greenbelts) to reduce a segment of the PSP boundary greenbelt buffer from fifteen (15) feet to 6.6 feet adjacent to off-street parking along the north PSP boundary as shown; and 2) 1005.3.A (Minimum Parking Requirements), more specifically Table 10-2 (Parking Ratios) to reduce the required parking ratio for the proposed multi-family residential development from 2.1 spaces per dwelling unit to 1.5 spaces per dwelling unit; and

**WHEREAS**, the Development Services staff recommended approval of the Preliminary Site Plan and Specific Approval applications subject to the stipulations contained in the staff report; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on June 9, 2022, to consider the Preliminary Site Plan and Specific Approval application 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 Preliminary Site Plan and Specific Approval 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 subject to the stipulations 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, 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 a Preliminary Site Plan and Specific Approval as it relates to the real property described in Exhibit “A” of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on June 16, 2022, regarding the proposed Ordinance 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 Ordinance 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 701.4.B.4.i., the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the lack of buffer width will be compensated by enhancing the amount of landscaping and overall buffer screening in these areas.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 701.4.B.4.i., the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the lack of buffer width will be compensated by enhancing the amount of landscaping and overall buffer screening in these areas.

F. Notwithstanding the failure of this plan to comply with the requirements of LDC Section LDC Sec. 1005.3.A, minimum parking requirements, LDC Section 365.3 (administrative modifications) allows affordable housing projects to deviate up to thirty (30) percent of the numerical requirement. The proposed PSP provides reduced parking within thirty (30) percent of the numerical requirement where 112 spaces are required and eighty (80) are provided. Staff is in support of this request.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for a residential development containing fifty-three (53) multi-family residential units on property zoned PDR (Planned Development Residential) and with at least twenty-five percent (25%) of the units designated as affordable housing on approximately 4.83 acres 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. 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.
3. 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 (2-stories), signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.
4. 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.
5. The applicant shall enter into a Land Use and Deed Restriction Agreement (LURA) pursuant to Chapter 5, Land Development Code, in a form acceptable to Manatee County. The Specific Approval request for Section 1005.3.A, LDC (minimum Parking Requirements) shall be adjusted administratively modified to be consistent with the number of units which can be built subject to a density bonus in the LURA.
6. Prior to FSP (Final Site Plan) approval, the applicant shall make a good faith effort to submit cross-access agreement with the adjacent land owner to the south in order to achieve emergency access as shown on the PSP as the roadway adjacent to the south is privately owned.

## **B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. Plant material detail information will be reviewed and commented on with the Final Site Plan.
3. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
4. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 353.3 of the LDC.



5. 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.
6. 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/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 the 100-year/24-hour floodplain as derived from the City of Bradenton Watershed Management Plan (WMP) model or best available information at the time of design and the 25-year/24-hour post-development discharge rate. In congruence with the City of Bradenton Watershed Management Plan drainage model, 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
100-year/24-hour	10 inches	FLMOD
100-year/72-hour	18 inches	FDOT-72

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 from City of Bradenton Watershed Management Plan) shall be submitted to demonstrate compliance prior to commencement of construction.

2. All fill within the 100-year floodplain delineation pursuant to the City of Bradenton Watershed Management Plan (WMP) shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, drainage modeling shall utilize the adopted City of Bradenton Watershed Study to demonstrate, in post-development condition, that no adverse

impacts are created to adjacent property based upon a “no-rise” flood stage condition.

3. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for Cedar Hammock Tributary (County maintained drainage system “W-38”) within the project boundaries. In addition, a 25 feet Drainage-Maintenance Access Easement shall be provided along the western top-of-bank of Cedar Hammock Tributary. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

## **C. 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. Any off-site extensions 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. SPECIFIC APPROVALS.** Specific Approvals are hereby granted for alternatives to Land Development Code Sections: 1.a) 701.4.B.4.i (Residential Greenbelts) to reduce a segment of the PSP boundary greenbelt buffer from fifteen (15) feet to seven (7) feet along the west side of the drive-aisle entranceway as shown; 1.b) 701.4.B.4.i (Residential Greenbelts) to reduce a segment of the PSP boundary greenbelt buffer from fifteen (15) feet to 6.6 feet adjacent to off-street parking along the north PSP boundary as shown; and 2) 1005.3.A (Minimum Parking Requirements), more specifically Table 10-2 (Parking Ratios) to reduce the required parking ratio for the proposed multi-family residential development from 2.1 spaces per dwelling unit to 1.5 spaces per dwelling unit. Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

**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 16<sup>th</sup> 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**

**A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST; THENCE SOUTH 00 DEGREES 59 MINUTES 12 SECONDS EAST TO THE SOUTHERLY MONUMENTED RIGHT OF WAY LINE OF 30TH AVENUE WEST A DISTANCE OF 24.69 FEET; THENCE EAST, ALONG THE AFORESAID SOUTHERLY MONUMENTED RIGHT OF WAY OF 30TH AVENUE WEST A DISTANCE OF 817.42 FEET; THENCE SOUTH 01 DEGREES 19 MINUTES 36 SECONDS EAST LEAVING SAID MONUMENTED RIGHT OF WAY OF 30TH AVENUE ALONG AN EASTERLY BOUNDARY LINE OF THE VILLAS OF WATER'S EDGE, A CONDOMINIUM PHASE 1, CONDO BOOK 34, PAGE 17, A DISTANCE OF 324.06 FEET, TO THE SOUTHWEST CORNER OF THE YOUTH FOR CHRIST, INC. PARCEL ID NO. 4951600059; THENCE NORTH 89 DEGREES 59 MINUTES 41 SECONDS EAST ALONG THE SOUTHERLY BOUNDARY LINE OF SAID YOUTH FOR CHRIST, INC. PARCEL ID. NO. 4951600059, A DISTANCE OF 15.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 59 MINUTES 41 SECONDS EAST ALONG THE SOUTHERLY BOUNDARY OF SAID YOUTH FOR CHRIST, INC. PARCEL ID. NO. 4951600059, TO THE SOUTHEAST CORNER OF SAID YOUTH FOR CHRIST, INC. PARCEL ID. NO. 4951600059 A DISTANCE OF 318.30 FEET; THENCE SOUTH 01 DEGREES 08 MINUTES 00 SECONDS EAST ALONG THE WESTERLY BOUNDARY OF BETHEL BAPTIST CHURCH PARCEL ID. NO. 4952400051, TO THE SOUTHWEST CORNER OF SAID BETHEL BAPTIST CHURCH PARCEL ID. NO. 4952400051, A DISTANCE OF 125.99 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 59 SECONDS EAST, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID BETHEL BAPTIST CHURCH PARCEL ID. NO. 4952400051, TO THE EAST BOUNDARY LINE OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST A DISTANCE OF 171.44 FEET; THENCE SOUTH 01 DEGREES 15 MINUTES 40 ALONG SAID EAST LINE OF SECTION 3 A DISTANCE OF 186.02 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 47 WEST ALONG THE BOUNDARY LINE OF THE AFORESAID THE VILLAS OF WATER'S EDGE, A CONDOMINIUM PHASE 1, A DISTANCE OF 494.54 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 36 SECONDS WEST ALONG THE BOUNDARY LINE OF SAID THE VILLAS OF WATER'S EDGE, A CONDOMINIUM PHASE 1, A DISTANCE OF 314.12 FEET TO THE POINT OF BEGINNING.

#### **PARCEL 2:**

COMMENCE AT THE N.E. CORNER OF THE S.E. 1/4 OF THE N.E. 1/4 OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE S 00°47'58" E, ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 25.00 FEET TO THE INTERSECTION WITH THE SOUTH R/W OF 30TH AVENUE WEST FOR A POINT OF BEGINNING; THENCE CONTINUE S 00°47'58" E, ALONG SAID EAST LINE, A DISTANCE OF 450.00 FEET; THENCE S 89°19'45" W, PARALLEL TO THE NORTH LINE OF THE S.E. 1/4 OF THE N.E. 1/4 OF SAID SECTION 3, A DISTANCE OF 175.00 FEET; THENCE N. 01°47'58" W, 450.00 FEET TO THE INTERSECTION WITH THE SOUTH R/W

OF SAID 30TH AVENUE WEST; THENCE N 89°19'45" E, ALONG SAID SOUTH R/W, PARALLEL TO THE NORTH LINE OF SAID S.E. 1/4 OF THE N.E. 1/4 AND 25.00 FEET SOUTHERLY THEREFROM, A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN THE S.E. 1/4 OF THE N.E. 1/4 OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA





## 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. PDR-21-21(P), which was filed in this office on June 17, 2022.

Sincerely,

Anya Owens  
Program Administrator

ACO/mas