

## Manatee County Zoning Ordinance

### PDR-21-22(Z)(P) – SANCHEZ CONDOMINIUMS – JOSE SANCHEZ (OWNER)

#### PLN2109-0178

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 1.65 ACRES GENERALLY LOCATED 525 FEET SOUTH OF ORLANDO AVENUE ON THE EAST SIDE OF 5<sup>TH</sup> STREET WEST AT 4807 5<sup>TH</sup> ST W, BRADENTON (MANATEE COUNTY) FROM PROFESSIONAL OFFICE – MEDIUM (PR-M) TO PLANNED DEVELOPMENT RESIDENTIAL (PDR) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR TWENTY (20) RESIDENTIAL 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**, Jose Sanchez (the “Applicant”) filed an application to rezone approximately 1.65 acres described in Exhibit “A”, attached hereto, (the “Property”) from Professional Office – Medium (PR-M) to Planning Development Residential (PDR) zoning district; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan for 20 residential multi-family units (the “project”) on the property; and

**WHEREAS**, the Development Services staff recommended approval of the rezone and Preliminary Site Plan 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 December 8, 2022, to consider the rezone and Preliminary Site Plan applications, received the staff recommendation 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 Professional Office – Medium (PR-M) to Planning Development Residential (PDR) zoning district,

B. The Board of County Commissioners, after due public notice, held a public hearing on January 19, 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 20 residential multi-family units upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE**

1. 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.
2. All dumpsters, compactors, and other utility equipment shall be screened with a six (6) foot high wall constructed with building materials consistent with the principal building(s). Compliance shall be verified with review of the building permit.
3. Building elevations shall be provided with the Final Site Plan and/or building permit for review and approval.
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 submit a lighting plan at the time of Final Site Plan approval.

## **B. ENVIRONMENTAL**

1. There are no impacts to jurisdictional wetlands approved by the adoption of this Ordinance.
2. All other applicable state or federal permits shall be obtained prior to commencement of development.
3. 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.
4. 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 floodplain as derived from the City of Bradenton Watershed Management Plan (WMP), the FEMA 2014 effective FIRM, 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
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.

#### **D. UTILITIES**

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.
2. The proposed potable water, reclaimed water and/or wastewater facilities shown are conceptual only and are included to graphically demonstrate the intent to comply with the requirements of section 803 of the Manatee County LDC. The size and location of these facilities will be finalized during the final site/construction plan review process.

**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 Professional Office – Medium (PR-M) to the Planning Development Residential (PDR) 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 19<sup>th</sup> day of January 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 NORTH 191.23 FEET OF THE WEST 400 FEET OF THE SOUTH 1/2 OF THE SE 1 / 4 OF THE NE 1 / 4 OF SECTION 11, TOWNSHIP 35 SOUTH, RANGE 17 EAST, LESS THE WEST 25 FEET FOR ROAD RIGHT OF WAY, SAID LANDS LYING AND BEING IN MANATEE COUNTY, FLORIDA.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

January 19, 2023

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, FL 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 -22(Z)(P), which was filed in this office on January 19, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/rra