

Manatee County Zoning Ordinance

PDR-21-26(Z)(G) – CHRISTENSON PARCEL – CHRISTENSON LLC (OWNER) – PLN2110-0115

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 15.66 ACRES GENERALLY LOCATED ON THE WEST SIDE OF ELLENTON-GILLETTE ROAD, APPROXIMATELY 1,300 FEET NORTH OF 21TH STREET COURT EAST, AND COMMONLY KNOWN AS 2703 36TH AVENUE EAST IN PALMETTO (MANATEE COUNTY), FROM AGRICULTURAL SUBURBAN (A-1) TO THE PLANNED DEVELOPMENT-RESIDENTIAL (PD-R) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR 93 RESIDENTIAL UNITS TO INCLUDE SINGLE FAMILY DETACHED, SINGLE-FAMILY SEMI-DETACHED, SINGLE-FAMILY ATTACHED OR MULTI-FAMILY; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Christenson, LLC (the “Applicant”) filed an application to rezone approximately 15.66 acres described in Exhibit “A”, attached hereto, (the “Property”) from Agricultural Suburban (A-1) to the Planning Development Residential (PDR) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for 93 residential units to include single family detached, single family semi-detached or multi-family (the “Project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 401.3.E.4 – to modify the secondary front yard for corner lots from twenty (20) feet to ten (10) feet; 2) 402.7.D.7 – to allow a reduction of the front yard setback to twenty-three (23) feet for front loaded garage with a two-foot strip of grass between the lot and sidewalk; 3) 1005.3 - to allow a parking reduction to reduce the parking space requirement per multifamily dwelling units, to 1.8 per unit from 2 per unit, plus 1 space per 10 units for guest parking; 4) 1005.7.D.2 - to allow backing onto a public or private travel lane for multi-family units; 5) 1005.7.E - to allow vehicle stacking of spaces for multi-family units; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on July 14, 2022, 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 from Agricultural Suburban (A-1) to the Planning Development Residential (PDR) zoning district.

B. The Board of County Commissioners (the "Board"), after due public notice, held a public hearing on August 4, 2022, 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 Land Development Code Section 401.3.E.4, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by the proposed design because a 10-foot side yard setback will still be provided, which is in excess of the 8-foot side yard setback required in the PDR zoning district.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 402.7.D.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree as the minimum distance from the sidewalk to the front building setback will still be the minimum of twenty-five feet.

F. Notwithstanding the failure of this General Development Plan to comply with the requirements of Land Development Code Section 1005.3, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree since the Applicant has identified several similarly situated multi-family projects which have submitted parking studies accepted by the Board, to demonstrate that the parking ratio for multi-family uses in the Land Development.

G. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1005.7.D.2, the Board finds that the purpose of the Land Development Code regulation is satisfied to an equivalent degree by the proposed design because the project will provide adequate circulation similar to single family and duplexes, and the residents of the units with garages and driveways will have control over both spaces and the parking arrangements.

H. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 1005.7.E, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the project will provide adequate number of parking spaces, and the residents of the units with garages and driveways will have control over both spaces and the parking arrangements.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for 93 residential units to include single family detached, single-family semi-detached, single-family attached or multi-family, upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. No lots shall be platted through any landscape buffers, retention ponds, wetlands, wetland buffers, or upland preservation areas.
2. The project site may be developed with single-family detached, single-family semi-detached, single-family attached, or multi-family units including single-family detached rear alley loaded garages and single-family semi-detached side loaded garages or any combination of them in accordance with lot standards and typical lot details shown in the General Development Plan.
3. Alleys may be utilized at time of Preliminary Site Plan/ Final Site Plan Submittal. The specific engineering detailed design of alleys shall meet Manatee County Standards and be reviewed and approved by Development Services, Public Safety, Public Works and Fire Department.
4. No alley shall be used for parallel parking. No rear parking shall be allowed to encroach on alleyway vehicle use areas. No rear yards shall be used for parking.
5. 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.
6. Final Site Plan (FSP) review and approval is required for any structures and/or uses to show compliance with LDC Section 323 and all code requirements for parking, screening buffers, structure height, signage, fencing, etc.
7. A 2-foot separation from the internal edge of the sidewalk to the property line shall be provided for all proposed front-loaded garage units to ensure a 25-foot separation from the sidewalk to the garage.
8. 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.
9. The Notice to Buyers shall be included in the Declaration of Covenants and Restrictions. The following language shall be included in the Notice to Buyers and also in a separate addendum to the sales contract:

- 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 (HOA) or other appropriate legal entity.
10. At time of the Final Site Plan submittal a five-foot wide sidewalk is required along this development's property line within the public right-of-way on Ellenton-Gillette Road and connected to the site per LDC Section 1001.6.
 11. The total number of required parking space for multi-family units will be determined at time of preliminary site plan / final site plan submittal. However, prior to preliminary site plan / final site plan approval, a parking analysis shall be provided by the applicant to justify the reduction in required parking.
 12. Visibility triangles shall be provided on all corner lots in accordance with Section 1002 of the Land Development Code. A building envelope shall be depicted and labeled on the Preliminary / Final Site Plan for each corner lot demonstrating no conflict with the visibility triangle area.

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. 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.
4. 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.

C. STORMWATER

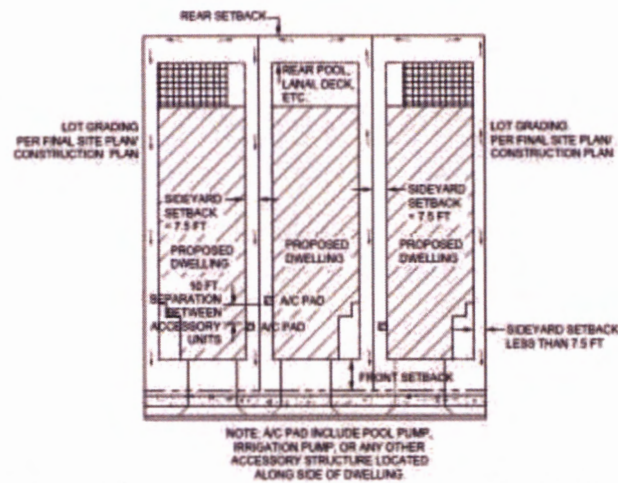
1. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Ordinance #20-22, or as amended), and Code of Federal Regulations (CFR), Title 44, Section 60.3, the Construction Plan and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect 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 Big Chimney Drain Watershed.
3. Any fill within the 100-year floodplain (Derived from the FEMA August 10, 2021, effective FIRM 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, the applicant can utilize drainage modeling (submitted for review to the Public Works Department with the Construction Plan submittal) to demonstrate no adverse drainage impacts to a no-rise condition.
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 less than 7.5 feet.



5. The location and size of the proposed stormwater and floodplain mitigation facilities are shown conceptually on the General Development Plan and can be modified administratively during the Final Site Plan / Construction Plan review process.

D. DEVELOPMENT REVIEW

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.
2. If utility tie in locations are not per the County's Master Plan, the project will be subject to the Alternate Connection Facility Investment Fee.
3. The project will need to be built to the Manatee County utility, highway & traffic and stormwater standards that are current at the time of construction.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 401.3.E.4 – to modify the secondary front yard for corner lots from twenty (20) feet to ten (10) feet; 2) 402.7.D.7 – to allow a reduction of the front yard setback to twenty-three (23) feet for front loaded garage with a two-foot strip of grass between the lot and sidewalk; 3) 1005.3 - to allow a parking reduction to reduce the parking space requirement per multifamily dwelling units, to 1.8 per unit from 2 per unit, plus 1 space per 10 units for guest parking; 4) 1005.7.D.2 - to allow backing onto a public or private travel lane for multi-family units; 5) 1005.7.E - to allow vehicle stacking of spaces for multi-family units.

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 Agricultural Suburban (A-1) 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 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 4th day of August 2022.



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

BY: 
Kevin Van Ostenbridge, Chairman

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

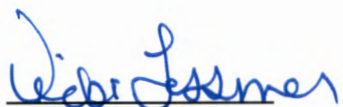
BY: 
Deputy Clerk

Exhibit "A"

Legal Description

All that part of the S 1/2 of the SW 1/4 of the NW 1/4 of Section 8, Township 34 South, Range 18 East, that lies West of the Tampa Road running through the Ellenton Plantation, extending to the middle of said road which is to be kept open 20 foot wide each side of the middle for public use, and bounded on the East by the Tampa Road; on the South by lands of Loffinwell; on the West and North by lands of George A Patten; being 10 chains North and South and 17 chains and 11 links East and West, except Tampa Southern Railroad Right-of-Way and less 0.39 acres, more or less, to Florida Power and Light Company, all lying and being in Manatee County, Florida.

ALSO KNOWN AS:

A PARCEL OF LAND LYING AND BEING IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 8 EAST, BEING IN MANATEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCE AT A THE WEST QUARTER CORNER OF SAID SECTION 8, ALSO BEING THE SOUTHEAST CORNER OF TRACT "D" AS SHOWN ON THE PLAT OF OAK VIEW, PHASE 1, AS RECORDED IN PLAT BOOK 46, PAGE 105 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 89°34'40" E, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 50.01' TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°34'40" E, ALONG SAID SOUTH LINE, A DISTANCE OF 1041.40' TO A POINT OF THE WEST RIGHT OF WAY LINE OF ELLENTON-GILLETTE ROAD (A PUBLIC RIGHT OF WAY) AS RECORDED IN ROAD PLAT BOOK 12 PAGE 97- 113, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00°13'25" W, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 658.33' TO A POINT OF THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE S 89°41'03" W, ALONG SAID NORTH LINE, A DISTANCE OF 957.57' TO A POINT ON THE EASTERLY LINE OF TAMPA SOUTHERN RAILROAD RIGHT OF WAY (OWNER-FLORIDA POWER AND LIGHT COMPANY) AS RECORDED IN DEED BOOK 324 PAGE 157 (PARCEL 3) AND REFERENCED IN DEED BOOK 62, PAGE 139; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING TWO COURSE: (1) THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 375.98', WITH A RADIUS OF 975.00', WITH A CHORD BEARING OF S 11°53'00" W, WITH A CHORD LENGTH OF 373.65', WITH A DELTA ANGLE OF 22°05'40";, (2) THENCE S 00°50'10" W A DISTANCE OF 295.11'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 673992.34 SQUARE FEET, 15.473 ACRES

PARCEL 2

COMMENCE AT THE COMMENCE AT A THE WEST QUARTER CORNER OF SAID SECTION 8, ALSO BEING THE SOUTHEAST CORNER OF TRACT "D" AS SHOWN ON THE PLAT OF OAK VIEW, PHASE 1, AS RECORDED IN PLAT BOOK 46, PAGE 105 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00°50'10" E, ALONG THE WEST LINE OF SAID SECTION 8, ALSO BEING THE EAST LINE OF SAID TRACT "D", A DISTANCE OF 296.21' TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°50'10" E, ALONG SAID WEST AND EAST LINE, A DISTANCE OF 364.28' TO A POINT OF THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE N 89°41'03" E, ALONG SAID NORTH LINE, A DISTANCE OF 67.45' TO A POINT ON THE WESTERLY LINE OF TAMPA SOUTHERN RAILROAD RIGHT OF WAY (OWNER-FLORIDA POWER AND LIGHT COMPANY) AS RECORDED IN DEED BOOK 324 PAGE 157 (PARCEL 3) AND REFERENCED IN DEED BOOK 62, PAGE 139; THENCE ALONG SAID WESTERLY LINE, WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 373.88', WITH A RADIUS OF 1025.00', WITH A CHORD BEARING OF S 11°17'08" W, WITH A CHORD LENGTH OF 371.81', WITH A DELTA ANGLE OF 20°53'57"; TO THE POINT OF BEGINNING, HAVING AN AREA OF 8061.91 SQUARE FEET, 0.185 ACRES



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 4, 2022

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

Attention: Robin Toth

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-21-26(Z)(G), which was filed in this office on August 4, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh