

## Manatee County Ordinance

### **PDR-22-15(G) – BAY DRIVE TOWNHOMES – BLUE SIDE UP, LLC – PLN2205-0011**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR THE DEVELOPMENT OF 8 MULTI-FAMILY UNITS (2 UNITS ARE ALREADY BUILT) ON 1.39 ACRES ZONED PDR/CHH (PLANNED DEVELOPMENT RESIDENTIAL/ COASTAL HIGH HAZARD); THE SITE IS GENERALLY LOCATED 0.63 MILES WEST OF US-41 ON THE SOUTH SIDE OF BAY DRIVE, BRADENTON (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Blue Side Up, LLC (the “Applicant”) filed an application for a General Development Plan on approximately 1.39 acres for the development of 8 multi-family units (2 units are already built) as described in Exhibit “A”, attached hereto, (the “Property”); and

**WHEREAS**, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Section: 401.5.A.2 (Building Height Compatibility) – allow the location of the required six (6) foot decorative wall to be placed at the eastern property line instead of placing it at the internal edge of the required greenbelt buffer; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on March 9, 2023, to consider the 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 General Development 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 General



Development 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 March 23, 2023, 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 and 401.5.A.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the site has a site constraints.

**Section 2. GENERAL DEVELOPMENT PLAN.** The General Development Plan is hereby approved for the development of 8 multi-family units (2 units are already built), upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE STIPULATIONS**

1. As shown on the General Development Plan, the permitted use on site is multi-family residential (8 units).
2. 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.
3. With the Preliminary Site Plan/ Final Site Plan review, the applicant will provide details on the recreational opportunities (pool, gazebo) to be offered to the residents in the designated amenity area to the east.
4. The Notice to Buyers and Final Site Plan shall include language to inform prospective homebuyers and future residents that the residential units are located in the Flood Prone Area and within the Coastal Planning, Coastal High Hazard, and Coastal Evacuation Areas.
5. A hurricane evacuation plan shall be reviewed and approved by the Manatee County Public Safety Department prior to Final Site Plan and shall be implemented according to the applicable regulations of the Land Development Code and the Comprehensive Plan.
6. Any significant historical or archaeological resource discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the 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 (Offences Concerning Dead Bodies and Graves) shall be followed.

## **B. DEVELOPMENT REVIEW 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 and/or lift station up grades, 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. Please note that Vitrified Clay sanitary sewer pipe exists. Along Bay Drive, therefore any damages to pipe that are made during tie-in will need to be repaired.
2. This project is in the coastal high hazard area. The potable water shall be master metered. All potable water and reclaimed water facilities downstream of the master meter and all sanitary sewer facilities within the development shall be privately owned and maintained. Furthermore, the applicant shall adhere to any special construction requirements for utilities within the coastal high hazard area that are in place at the time of Final Site Plan submittal. Such special construction requirements may include but are not limited to installation of leak proof manhole covers or controlling the elevation that any at or above grade potable water, reclaimed water or sanitary sewer facility or appurtenances are installed.

## **C. STORMWATER STIPULATIONS**

1. 150% water quality treatment shall be provided within the internal stormwater management system with respect to the direct discharge of post-development runoff into Sarasota Bay.

## **D. 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. 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.



## **E. FLOODPLAIN MANAGEMENT STIPULATIONS**

1. Buildings and structures in flood hazard areas, including flood hazard areas designated as coastal A zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot, or the design flood elevation, whichever is higher.
2. All buildings and structures erected within coastal high-hazard areas and coastal A zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for an alternative to Land Development Code Sections: 401.5.A.2 (Building Height Compatibility) – allow the location of the required six (6) foot decorative wall to be placed at the eastern property line instead of placing it at the internal edge of the required greenbelt buffer.

**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.

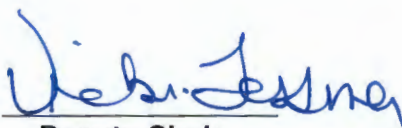
**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 23<sup>rd</sup> day of March 2023.



**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**

UNIT C TREETOPS BAY CONDO PI#67916.0020/5



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

March 27, 2023

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

Attention: Julissa Santana

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-22-15(G), which was filed in this office on March 24, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh