

Manatee County Zoning Ordinance

PDR-22-18(Z)(P) – ONECO LIVING APARTMENTS/ SHARON SHARABY – SHARON SHARABY (OWNER) –PLN2205-0148

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 5.35 ± ACRES GENERALLY LOCATED SOUTH OF 51ST AVENUE E, WEST OF US 301 AND IMMEDIATELY EAST OF THE CSX RAILROADS TRACKS, AND COMMONLY KNOWN AS 5108 E 18TH STREET CT, BRADENTON (MANATEE COUNTY); FROM RSF-4.5 (RESIDENTIAL SINGLE FAMILY-4.5) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A RESIDENTIAL DEVELOPMENT CONTAINING NINETY FOUR (94) MULTI-FAMILY RESIDENTIAL UNITS WITH AT LEAST TWENTY-FIVE PERCENT (25%) OF THE UNITS DESIGNATED AS AFFORDABLE HOUSING; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sharon Sharaby (the “Applicant”) filed an application to rezone approximately 5.35 acres described in Exhibit “A”, attached hereto, (the “Property”) from RSF-4.5 (Residential Single Family-4.5) to PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for a residential development containing ninety four (94) multi-family residential units with at least twenty-five percent (25%) of the units designated as affordable housing (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 401.5.A.2: Building Height Compatibility eliminating the 6-foot fence requirement and providing the greenbelt buffer with additional landscaping and 2) 401.5.A.2: Building Height Compatibility and Section 701, Figure 7-3.E Landscaping and Screening Standard allowing 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 April 13, 2023, to consider the rezone, Preliminary Site 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 RSF-4.5 (Residential Single Family-4.5) to PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on April 20, 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.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 401.5.A.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed landscaping within the required greenbelt buffer in lieu of the 6-foot fence along the western property line, because the existing railroad tracks provides adequate separation from the adjacent residential subdivision as a public or private street would do, and the additional plant material will provide additional screening.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Sections 401.5.A.2 and 701.3.E, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the buffer area will receive an adequate maintenance to satisfy the intent of the regulation.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 130 single-family detached residential 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 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. Impact windows shall be installed in all unit windows to mitigate noise.
5. Prospective residents shall be informed of the presence of the railroad track adjacent to the property and the mitigating measures the developer has taken to mitigate noise and vibrations.
6. 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.
7. The applicant shall enter into a Land Use and Deed Restriction Agreement pursuant to Chapter 5, Land Development Code, in a form acceptable to Manatee County.
8. 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. 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. Although plant material details have been provided with this Preliminary Site Plan, this information will be reviewed and commented on with the Final Site Plan.
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 subsequent Final Site Plan submittal and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to impacts (fill) within the 100-year floodplain and floodway 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.

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 Bowlees Creek Watershed.
3. Any fill within the 100-year floodplain with respect to the rainfall component of flooding 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 subsequent Final Site Plan and/or Construction Plan submittal) to demonstrate no adverse drainage impacts are created for design storm frequency events to a no-rise condition.
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for Bowlees Creek tributaries (county-maintained drainage systems "E-53" and "E-54") within the project boundaries. In addition, a Drainage-Maintenance Access

Easement shall be provided along the top-of-bank of these tributaries systems. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

D. TRANSPORTATION

1. In the event of future widening of 51st Avenue East, the emergency only access will be required to be removed and relocated at the expense of the developer.
2. Emergency only access design details, including but not limited to, driveway apron/stabilization area, signage, pavement markings, and gate location shall be reviewed and determined at the time of the Final Site Plan application for this development.

E. UTILITIES

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 Development Services review process for the project.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 401.5.A.2: Building Height Compatibility eliminating the 6-foot fence requirement and providing the greenbelt buffer with additional landscaping; and 2) 401.5.A.2: Building Height Compatibility; Section 701, Figure 7-3.E Landscaping and Screening Standard allowing 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. The 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. 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 RSF-4.5 (Residential Single Family-4.5) to PDR (Planned Development Residential) 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 20th day of April 2023.



**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

BEG 50 FT E OF NW COR OF SE 1/4 OF SW 1/4, E ON LAND LN 397 FT M/L TO CO RD, S TO S LN OF N1/2 OF SE 1/4 OF SW1/4, W 397 FT M/L TO E LN OF RR R/W, N TO BEG. LESS THE FOLLOWING: BEG 50 FT E OF NW COR OF SE1/4 OF SW1/4 OF SEC 7, TWN 35S, RNG 18E; TH S 01 DEG 01 MIN 37 SEC E, 679.47 FT ALG E R/W LN OF RR TO S LN OF N1/2 OF SE 1/4 OF SW1/4; TH S 89 DEG 48 MIN 29 SEC E, ALG SD LN 215.0 FT TO POB; TH N 06 DEG 45 MIN 01 SEC W, 166.68 FT; TH N 74 DEG 57 MIN 39 SEC E, 157.79 FT TO CO RD; TH S 05 DEG 57 MIN 35 SEC W, 88.41 FT; S 08 DEG 15 MIN 01 SEC W, 120.14 FT ALG SD RD TO S LN OF N 1/2 OF SE1/4 OF SW1/4; TH N 89 DEG 48 MIN 26 SEC W, 106.38 FT TO POB.LESS ADDTL RD R/W PER OR 2391/1846 DESC AS FOLLOWS: COM AT THE NE COR OF THE SE 1/4 OF THE SW 1/4 OF SEC 7, TWN 35S, RNG 18E; TH ALG THE N LN OF SD SE 1/4 OF THE SW 1/4 N 88 DEG 58 MIN 28 SEC W, A DIST OF 913.30 FT; TH LEAVING SD N LN OF THE SE 1/4 OF THE SW 1/4 AT A RIGHT ANGLE, S 01 DEG 01 MIN 32 SEC W, A DIST OF 13.64 FT TO A PI WITH THE EXISTING SLY R/W OF 51ST AVE E & THE WLY R/W OF 18TH ST CT E; SD PT ALSO BEING THE POB; THE ALG THE WLY R/W OF 18TH ST CT E, S 06 DEG 03 MIN 01 SEC W, A DIST OF [REPLACE "13.64" WITH "9.59"] FT; TH DEPARTING THE WLY R/W OF 18TH ST CT E, N 88 DEG 38 MIN 01 SEC W, A DIST OF 419.29 FT TO A PT ON THE ELY R/W OF SEMINOLE GULF RR; TH NLY ALG SD ELY R/W BY A NON-TANGENT CURVE CONCAVE WLY HAVING A RAD PT WHICH LIES S 84 DEG 39 MIN 20 SEC W, A DIST OF 2889.92 FT & CHORD OF N 05 DEG 26 MIN 24 SEC W, 9.62 FT, AN ARC DIST OF 9.62 FT TO THE SLY R/W OF 51ST AVE E; TH ALG SD SLY R/W, S 88 DEG 38 MIN 02 SEC E, A DIST OF 421.21 FT TO THE POB. CONTAINING A DESC AREA OF 4,014 SQ FT M/L PI#16705.0050/9



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 24, 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-22-18(Z)(P), which was filed in this office on April 21, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh