

Manatee County Zoning Ordinance

PDR-22-26(Z)(G) LAZY C RANCH / LAZY C RANCH HOLDINGS, LLLP (PLN2208-0121)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, THE MANATEE LAND DEVELOPMENT CODE), RELATING TO THE ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 495.45 ACRES FROM A (GENERAL AGRICULTURE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT TO BE DEVELOPED IN ACCORDANCE WITH POLICY 2.1.2.8 OF THE COMPREHENSIVE PLAN AS A COMPONENT OF A LARGER PROJECT LOCATED WEST OF THE FUTURE DEVELOPMENT AREA BOUNDARY; AND GENERALLY LOCATED ALONG THE NORTH SIDE OF COUNTY ROAD 675, AND NORTH OF RYE ROAD AND COUNTY ROAD 675 INTERSECTION, PARRISH (MANATEE COUNTY); APPROVING A GENERAL DEVELOPMENT PLAN (LARGE PROJECT) FOR 1,100 RESIDENTIAL UNITS (SINGLE-FAMILY DETACHED AND SINGLE-FAMILY SEMI-DETACHED), SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Lazy C Ranch Holdings, LLLP (the "Applicant") filed an application to rezone approximately 495.45 acres described in Exhibit "A", attached hereto, (the "Property") from A (General Agriculture) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a General Development Plan (large project) for 1,100 residential units (single-family detached and single-family semi-detached), (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 402.7.D.7 – Reduce the required front yard for secondary front yards that function as side yards from twenty (20) feet to fifteen (15) feet; and 2) 1001.1.C – Provide a single means of access to County Road 675 from the required Second Means of Access Requirement and provide a temporary emergency access for the second access point until such time the secondary access is provided with the construction of future roadways shown on the proposed General Development Plan; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on September 14, 2023, 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 from A (General Agriculture) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners, after due public notice, held public hearings on October 26, 2023, November 2, 2023, December 7, 2023, and January 18, 2024, 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 402.7.D.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed alternative designs because the fifteen (15) foot setback along the required yard is secondary and provides no access to the lot. Typical interior lots have a side yard setback of five (5) feet.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.1.C., the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed alternative designs as there are future roadways shown on the proposed General Development Plan, when constructed, will provide an adequate number of accesses for the proposed development.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for 1,100 residential units (single-family detached and single-family semi-detached), upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. 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.

2. The Homeowner's Documents shall include a notice to inform homeowners of:
 - a) The presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.
 - b) Inter neighborhood ties for this project shall connect to future roadways when development occurs on the properties to the east and west.
 - c) The proposed development may be a gated community, and if gated, the internal streets within this subdivision will be privately owned and maintained either a Homeowner's Association or other appropriate legal entity. Any gates shall be accessible to emergency providers in accordance with the requirements of applicable county ordinances and regulations.
 - d) There is a designated planned thoroughfare within the project area (i.e. Future Rye Road) designated as 4-lane arterial roadway, and potential noise associated with these planned roadways.
 - e) The residential units are located within the Coastal Planning Area overlay, and residents may be subject to the Hurricane Evacuation Plan that will be prepared by the developer and submitted to the County for approval by the Emergency Management Department at the time of Final Site Plan review.
3. At the time of Final Site Plan (FSP) review, the project shall demonstrate there are no active agricultural uses adjacent to the project boundary. If active agricultural uses are adjacent to proposed residential lots within the project boundary, an alternative 20-foot screening buffer shall be provided having a 6-foot fence or shrubs and trees with 80% opacity within the entire buffer. If no active agricultural uses are adjacent, a 15-foot perimeter buffer in accordance with the LDC shall be required.
4. If applicable, 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. Compliance with all applicable regulations of the Land Development Code shall be demonstrated at the time of Preliminary / Final Site Plan application review, with exception of those requirements in which Specific Approval is granted as stated in the staff report.
6. The Lazy C. Ranch project will be served by Manatee County Wastewater Facilities pursuant to a sanitary sewer force main to be located along CR 675 (as depicted on the Manatee County Wastewater Master Plan) known as the "Rye Ranch Buildout Force Main" as described and depicted in that certain Local Development Agreement dated

October 26, 2021 between Manatee County and Rye Ranch, LLC, as may be amended from time to time (the “Rye Ranch LDA”). The Rye Ranch Buildout Force Main shall also serve other properties in the area, including but not limited to the Rye Ranch planned development project. The Rye Ranch Buildout Force Main is currently planned for construction by the developer of Rye Ranch pursuant to the Rye Ranch LDA. Accordingly, as voluntarily proffered by the Applicant, the developer of Lazy C. Ranch, its successors or assigns, shall not pursue the design, engineering, permitting and/or construction of the Rye Ranch Buildout Force Main for a period of one (1) year from the approval of PDR-22-26(Z)(G) provided the developer of Rye Ranch is actively pursuing said design, engineering, permitting and/or construction in good faith, and thereafter only if the developer of Rye Ranch ceases to actively pursue said design, engineering, permitting and/or construction in good faith.

B. ENVIRONMENTAL STIPULATIONS

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. The only wetland impacts approved by the adoption of this ordinance are the 15.4 acres of impact to jurisdictional wetlands.
3. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that will serve as wetland mitigation areas shall be dedicated to Manatee County prior to, or concurrent with, Final Plat approval or Certificate of Occupancy or Certificate of Completion issuance.
4. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas. Before Final Site Plan approval, lots will need to be drawn so they do not encroach into the wetlands or wetland buffers. Buffer encroachments and buffer restoration plans will be addressed during Final Site Plan to ensure consistency with the County’s variable width buffer requirement per LDC Section 706.4.C and buffer restoration requirements per LDC Section 706.4.D.
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 ENGINEERING STIPULATIONS

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 to proposed impacts to the 100-year floodplain as derived from the FEMA FIRM, Gamble Creek Watershed Management Plan, master drainage modeling, and post-development discharge of runoff. The following design 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 (utilizing best available information from Gamble Creek Watershed Management Plan and associated master drainage modeling) shall be submitted to demonstrate compliance prior to commencement of construction.

2. Any fill within the 100-year floodplain (as derived from the FEMA FIRM or Gamble Creek Watershed Management Plan) shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. The 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 are created for the design storm frequency events.
3. 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 Gamble Creek Watershed.
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.

D. 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, shall be the responsibility of the Applicant. Such off-site extensions 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 the County Engineer through the construction plans review process for the project.

2. If utility tie in locations is 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 and traffic and stormwater standards that are current at the time of construction.

E. NATURAL RESOURCES STIPULATIONS

1. A Surface and Ground Water monitoring plan for this development is required to address sections 321.1(C)6-9 of the Manatee County Land Development Code. The surface and ground water monitoring plan shall be consistent with the latest versions of Manatee County Natural Resources Dept (NRD) guidance documents "Ambient Surface Water Quality Monitoring Guidelines for Large Developments" and "Ambient Groundwater Quality Monitoring Guidelines for Large Developments" and shall require approval by the NRD prior to Preliminary Site Plan submittal. Pre-development monitoring is required prior to groundbreaking activities.

F. TRANSPORTATION TRAFFIC ENGINEERING

1. As can be seen on the GDP, all residential development areas (or pods) have access to Rutland Road (CR 675) and the future Rye Road Extension and Collector Road via the proposed spine road. The primary access will be off Rutland Road (CR 675) with secondary access provided via the Rye Road Extension. A specific approval request to Sec 1001.1.C. has been submitted to the County to allow for the proposed emergency access to connect to the Spine Road through Pod A and the future ROW of the Rye Road extension to serve as the second means of access. More specifically, the proposed twenty (20) foot emergency access road is temporary and will be gated (Knox box) for use by emergency vehicles only. If the County has not acquired the land necessary to construct the ultimate Rye Road connection to CR 675, at the 530th unit the proposed secondary emergency only access shall be improved to the county standards to be a functional residential access. It is understood that the applicant has the option to remove this access once the Rye Road Extension is constructed.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 402.7.D.7 – Reduce the required front yard for secondary front yards that function as side yards from twenty (20) feet to fifteen (15) feet; and 2) 1001.1.C – Provide a single means of access to County Road 675 from the required Second Means of Access Requirement and provide a temporary emergency access for the second access point until such time the secondary access is provided with the construction of future roadways shown on the proposed General Development Plan.

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 A (General Agriculture) to the 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 become effective 31 days after the adoption of Ordinance 24-06 by the Board of County Commissioners unless a timely legal challenge is filed to Ordinance No. 24-06, then this Ordinance shall become effective upon the date all such legal challenges are concluded.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 18th day of January 2024.



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

BY: _____

Michael Rahn, Chairman

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

BY: _____

Deputy Clerk

Exhibit "A"

Legal Description

DESCRIPTION:

A parcel of land lying in Sections 24, 25, 35, and 36, Township 33 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

BEGIN at the Northeast corner of the Northeast 1/4 of said Section 35, as shown on **AVIARY AT RUTLAND RANCH PHASE IIA & IIB**, according to the plat thereof, recorded in Plat Book 72, Pages 74 through 109 of the Public Records of Manatee County, Florida; thence along the East boundary of Section 26, N.00°47'14"E., a distance of 4965.30 feet to the Northerly boundary of the lands described in Official Records Book 2537, Page 2821 of said Public Records; thence the following three (3) courses along said Northerly boundary: 1) N.88°44'18"E., a distance of 271.54 feet; 2) N.70°23'00"E., a distance of 648.96 feet; 3) N.68°12'07"E., a distance of 417.16 feet to the Easterly boundary of said described lands; thence along said Easterly boundary, S.15°40'17"E., a distance of 2884.16 feet to the Southeast corner of said described lands; thence N.89°39'55"E., a distance of 1166.59 feet to the Northwest corner of **FOXBROOK, PHASE IIIC**, according to the plat thereof, recorded in Plat Book 46, Pages 41 through 47 of said Public Records; thence the following six (6) courses along the Westerly boundary of said **FOXBROOK, PHASE IIIC**: 1) S.06°44'48"W., a distance of 52.70 feet; 2) S.23°01'59"W., a distance of 555.38 feet; 3) S.17°40'10"W., a distance of 806.41 feet; 4) S.28°43'57"W., a distance of 201.26 feet; 5) S.22°47'22"W., a distance of 974.14 feet; 6) S.19°50'43"W., a distance of 699.55 feet to the Northwest corner of **FOXBROOK, PHASE IIIB**, according to the plat thereof, recorded in Plat Book 44, Pages 7 through 11 of said Public Records; thence the following three (3) courses along the Westerly boundary of said **FOXBROOK, PHASE IIIB**: 1) S.19°50'46"W., a distance of 893.47 feet; 2) S.23°10'20"W., a distance of 1173.53 feet; 3) S.28°57'32"W., a distance of 440.14 feet to the Northwest corner of **FOXBROOK, PHASE II**, according to the plat thereof, recorded in Plat Book 38, Pages 36 through 42 of said Public Records; thence the following five (5) courses along the Westerly boundary of said **FOXBROOK, PHASE II**: 1) S.28°57'32"W., a distance of 879.38 feet; 2) S.27°04'28"W., a distance of 112.35 feet; 3) S.32°57'28"W., a distance of 53.56 feet; 4) S.28°57'48"W., a distance of 525.88 feet; 5) S.36°51'56"W., a distance of 921.86 feet to the Northeasterly Right of Way of Rutland Road (aka County Road 675, formerly State Road 675), according to the State of Florida State Road Department Right of Way Map, Section 1351-201 (transferred to Manatee County in Road Plat Book 9, Page 219); thence along said Northeasterly Right of Way the following four (4) courses: 1) Northwestery, 389.45 feet along the arc of a non-tangent curve to the right having a radius of 2789.79 feet and a central angle of 07°59'54" (chord bearing N.49°58'51"W., 389.13 2) along a radial line, S.44°01'06"W., a distance of 25.00 feet; 3) Northwestery, 8.49 feet along the arc of a non-tangent curve to the right having a radius of 2814.79 feet and a central angle of 00°10'22" (chord bearing N.45°53'43"W., 8.49 feet); 4) N.45°48'32"W., a distance of 1693.55 feet to the Southernmost corner of **AVIARY AT RUTLAND RANCH PHASE IA & IB**, according to the plat thereof, recorded in Plat Book 65, Pages 84 through 108; thence along the Easterly boundary of **AVIARY AT RUTLAND RANCH PHASE IA & IB** and aforesaid **AVIARY AT RUTLAND RANCH PHASE IIA & IIB** the following three (3) courses: 1) N.36°52'12"E., a distance of 564.88 feet; 2) N.25°24'53"E., a distance of 3222.46 feet; 3) N.00°47'14"E., a distance of 126.19 feet to the **POINT OF BEGINNING**.

Containing 495.450 acres, more or less.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

January 22, 2024

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

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-22-26(Z)(G), which was filed in this office on January 18, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh