

## Manatee County Zoning Ordinance

### **PDR-23-30(Z)(G) – BUCHANAN REZONE/1099 MANAGEMENT CO LLC – 1099 MANAGEMENT CO LLC (OWNER) – PLN2303-0123**

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 21.29 ACRES GENERALLY LOCATED NORTH OF 21<sup>ST</sup> STREET COURT E, APPROXIMATELY 1,000 FEET WEST FROM THE INTERSECTION WITH ELLENTON GILLETTE ROAD, AND COMMONLY KNOWN AS 3000 21<sup>ST</sup> STREET COURT EAST, PALMETTO (MANATEE COUNTY) FROM A-1 (AGRICULTURE SUBURBAN)/CPA (COASTAL PLANNING AREA) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL ZONING DISTRICT, RETAINING THE CPA COASTAL PLANNING AREA) OVERLAY DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR A RESIDENTIAL SUBDIVISION OF UP TO 191 DWELLING UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, 1099 Manatee Co., LLC (Owner) (the "Applicant") filed an application to rezone approximately 21.29 acres described in Exhibit "A", attached hereto, (the "Property") from A-1 (Agriculture Suburban)/CPA (Coastal Planning Area) to PDR (Planned Development Residential) Zoning District, retaining the Coastal Planning Area Overlay District; and

**WHEREAS**, the applicant also filed a General Development Plan for a residential subdivision of up to 191 dwelling units (the "project") on the property; and

**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Section 1001.1.C to allow the second means of access to be for emergency access only if the site is developed as a multi-family development; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on February 8, 2024, 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 A-1 (Agriculture Suburban)/CPA (Coastal Planning Area) to PDR (Planned Development Residential) Zoning District, retaining the Coastal Planning Area Overlay District.

B. The Board of County Commissioners, after due public notice, held a public hearing on March 7, 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 LDC Section 1001.1.C, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed alternative, which allows access to emergency services, and an eventual evacuation route, and mitigates compatibility issues of a potential multifamily development and the adjacent single family residential subdivision to the west.

**Section 2. GENERAL DEVELOPMENT PLAN.** The General Development Plan is hereby approved for a residential subdivision of up to 191 dwelling units, upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE**

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
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. 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.

4. 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. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
4. 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 recommending 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
2.33-year/24-hour	4.5 inches	FLMOD
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/24-hour	18 inches	FLMOD

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) shall be submitted to demonstrate compliance prior to commencement of construction.

2. A Flowage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for the existing ditch along the eastern property line within the project boundaries. In addition, a 20' Drainage-Maintenance Access Easement shall be provided along the top-of-bank of the system. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
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 Big Chimney Drain Watershed.

#### **D. INFRASTRUCTURE**

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.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for alternatives to Land Development Code Section 1001.1.C to allow the second means of access to be for emergency access only if the site is developed as a multi-family development.

**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-1 (Agriculture Suburban)/CPA (Coastal Planning Area) to PDR (Planned Development Residential) Zoning District, retaining the Coastal Planning Area Overlay 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 24-10 by the Board of County Commissioners unless a timely legal challenge is filed to Ordinance No. 24-10, 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 7<sup>th</sup> day of March 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**

THE E 1/2 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 7, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. ALSO A STRIP OF LAND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, BOUNDED ON THE WEST FOR A DISTANCE 1330 FEET, MORE OR LESS, BY THE WEST LINE OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 8, ON THE EAST FOR A DISTANCE OF 1330 FEET, MORE OR LESS BY A LINE PARALLEL TO AND DISTANT 25 FEET EASTWARDLY (AS MEASURED AT RIGHT ANGLES) FROM THE CENTER LINE OF THE ELLENTON BELT LINE OF THE TAMPA SOUTHERN RAILROAD. ON THE NORTH FOR A DISTANCE OF 49.6 FEET, MORE OR LESS, BY THE NORTH LINE OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 8, ON THE SOUTH FOR A DISTANCE OF 34.8 FEET, MORE OR LESS BY THE SOUTH LINE OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 8. LESS RIGHT OF WAY FOR 21ST STREET EAST ON THE SOUTH. LYING AND BEING IN SECTIONS 7 AND 8, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

March 8, 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-23-30(Z)(G), which was filed in this office on March 7, 2024.

Sincerely,

Matthew Hargreaves  
Administrative Code and Register Director

MJH/wlh