

Manatee County Zoning Ordinance

PLN1902-0236 - PDRV-19-06(Z)(P) - THE SURF RV RESORT LLC

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 78.4 ACRES, GENERALLY LOCATED ON THE EAST 1915 61ST STREET EAST, PALMETTO, FROM A-1 (SUBURBAN AGRICULTURE) TO THE PDRV (PLANNED DEVELOPMENT RECREATIONAL VEHICLE) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A 449-SPACE RV PARK; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Surf RV Resort, LLC (the "Applicant") filed an application to rezone approximately 78.4 acres described in Exhibit "A", attached hereto, (the "Property") from A-1 (Suburban Agriculture) to the PDRV (Planned Development Recreational Vehicle) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for a 44-space RV Park (the "project") on the property; and

WHEREAS, the Building and Development Services staff recommended approval of the rezone and Preliminary Site Plan applications subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on December 12, 2019 to consider the rezone and Preliminary Site Plan applications, received the staff recommendation 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 (Suburban Agriculture) to the PDRV (Planned Development Recreational Vehicle) zoning district.
- B. The Board of County Commissioners, after due public notice, held public hearings on January 9 & 24, 2020 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of 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 was 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.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a 449-space RV Park upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE

- 1. Mobile home sites and/or park trailers are not permitted within this project. Only "ready for highway" recreational vehicles will be allowed within the RV Park. The project is subject to limitations outlined in Section 402.9.J. of the Land Development Code.
- 2. Recreational vehicles will only be allowed on sites that are designated on the Preliminary Site Plan that have individual sanitary, potable water, and electrical services.
- 3. Recreational vehicles may remain on the site for a period not to exceed one hundred eighty (180) days within any three hundred sixty-five (365) day period.
- 4. 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. Location of dumpsters, compactors, or garbage collectors shall be provided at Final Site Plan. All dumpsters, compactors, or garbage collectors and other utility equipment shall be screened from view from adjacent properties in accordance with Manatee County Public Works Standards.
6. No attachments to on site recreational vehicles are permitted other than the following: open canvas awnings with no walls, roll-up screen enclosures, pop-out units or similar extensions which are integral to the unit as originally manufactured.
7. 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 abutting residential zoning or uses.

B. ENVIRONMENTAL

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. The Management Plan, and correspondence and permits, approved by the State (Florida Fish and Wildlife Conservation Commission) shall be submitted prior to the commencement of development for any listed species found on site. Evaluation of the proposed development site shall contain dates of field review, name and qualifications of individual(s) conducting the field review, a statement of the methodology used to conduct the habitat assessment and biological survey, a map indicating where listed species (or nests or burrows) were observed on the site, a list of all species observed on site, and a habitat management plan describing measures proposed by the applicant to ensure non-disturbance, relocation or other acceptable mitigative measures.
3. The applicant will commit to implementing the “Standard Protection Measures for the Eastern Indigo Snake”. These measures include posting informational posters about the indigo snake on the construction site and the verbal educational instruction to construction personnel prior to commencing land clearing activity.
4. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas.
5. 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 355 of the LDC.
6. For the existing wells located on site, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for

review and approval prior to Final Site Plan approval. 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.
7. 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.
 8. Wetland impacts are limited to 0.49-acres.

C. STORMWATER

1. Pursuant to Section 801 and 802 of the Land Development Code 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 derived 100-year floodplain with respect to the rainfall component of flooding and post-development discharge of runoff. 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 McMullen Creek Watershed.
3. All 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).

D. 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 construction plans review process for the project.

E. PUBLIC SAFETY

1. A Residential Emergency Preparedness Plan shall be required at time of Final Site Plan.
2. At the time of any evacuation order due to inclement weather or hurricane conditions, all recreational vehicles located on site shall be removed.

Section 3. 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 classification of the property identified in Exhibit "A" incorporated by reference herein, from A-1 (Suburban Agriculture) to the PDRV (Planned Development Recreational Vehicle) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Building and Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

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, clause, sentence, or other 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 24th day of January 2020.

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

BY: _____
Betsy Benac, Chairman

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

BY: _____

Deputy Clerk

Exhibit "A"

Legal Description

The Surf (Per Official Records Book 2758, Page 6871)

DESCRIPTION: A parcel of land lying in Sections 30 and 31, Township 33 South, Range 18 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 31, run thence along the North boundary of the Northeast 1/4 of the Northeast 1/4 of said Section 31, N.89°39'51"W., 1319.43 feet to the Northeast corner of the Northwest 1/4 of said Northeast 1/4 of Section 31; thence along the North boundary of said Northwest 1/4 of the Northeast 1/4 of Section 31, N.89°43'13"W., 29.98 feet to the West maintained right-of-way line of JACKSON ROAD for the POINT OF BEGINNING; thence along said West maintained right-of-way line the following three (3) courses: 1) S.00°32'24"E., 177.95 feet; 2) S.00°09'14"W., 1094.65 feet; 3) S.36°30'29"W., 28.21. feet to the North right-of-way line of PALM VIEW ROAD; thence along said North right-of-way line the following two (2) courses: 1) along a line lying 25.00 feet north of and parallel with the South boundary of aforesaid Northwest 1/4 of the Northeast 1/4 of Section 31, N.89°40'03"W., 1277.53 feet to a point on the East boundary of the Northeast 1/4 of the Northwest 1/4 of said Section 31; 2) along a line lying 25.00 feet north of and parallel with the south boundary of said Northeast 1/4 of the Northwest 1/4 of Section 31, N89°37'06" W, 1547.40 to the easterly right-of-way line of State Road No. 45 (U.S. Highway 41), per Florida Department of Transportation Right of Way Map Section No. 13030-2502; thence along said Easterly right-of-way line the following two (2) courses: 1) N.23°30'00"W., 62.30 feet to a point on a curve; 2) Northeasterly, 2127.30 feet along the arc of a curve to the left having a radius of 5861.58 feet and a central angel of 20°47'38" (chord bearing N.32°49'26"E., 2115.64 feet) to the North boundary of the South 544.5 feet of the Southeast 1/4 of the Southwest 1/4 of aforesaid Section 30; thence along said North boundary of the South 544.5 feet of the Southeast 1/4 of the Southwest 1/4 of Section 30, S.89°06'26"E., 432.63 feet to the Northeast corner thereof; thence along the East boundary of said Southeast 1/4 of the Southwest 1/4 of Section 30, S.00°05'51"W., 544.41 feet to the Northwest corner of aforesaid Northeast 1/4 of Section 31; thence along the North boundary of aforesaid Northwest 1/4 of the Northeast 1/4 of Section 31, S.89°43'13"E., 1289.32 feet to the POINT OF BEGINNING.