

**MANATEE COUNTY ZONING ORDINANCE
PDR-17-21(Z)(G) MANATEE PALMS DTS20170415 / MEPS728**

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 COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF THREE ADJACENT PARCELS TOTALING APPROXIMATELY 2.66 ACRES ON THE EAST SIDE OF 65TH STREET EAST APPROXIMATELY 750 FEET NORTH OF STATE ROAD 64 EAST, BRADENTON (MANATEE COUNTY), FROM PR-M (PROFESSIONAL - MEDIUM) AND A-1 (SUBURBAN AGRICULTURE – 1 DWELLING UNIT PER ACRE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR A RESIDENTIAL PROJECT WITH 24 MULTI-FAMILY UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MPRE, LLC (the “Applicant”) filed an application to rezone approximately 2.66 acres described in Exhibit “A”, attached hereto, (the “property”) from PR-M (Professional - Medium) and A-1 (Suburban Agriculture – 1 Dwelling Unit Per Acre) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for a residential project with 24 multi-family units (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Special Approval for: 1) a project in the Residential/Office/Retail Future Land Use Category exceeding a gross density of 6 dwelling units per acre and a net density of 9 dwelling units per acre, and 2) a project in an entranceway; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Section 1005.3 (reduced parking for a multifamily residential use) and LDC Section 402.7.D.1 (a decreased roadway buffer); and

WHEREAS, the Building and Development Services staff recommended approval of the rezone, General Development Plan, Special Approval and Specific Approval 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 February 8, 2018 to consider the rezone, General Development Plan, Special Approval and Specific Approval 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.

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 PR-M (Professional - Medium) and A-1 (Suburban Agriculture – 1 Dwelling Unit Per Acre) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners held a duly noticed public hearing on March 1, 2018 regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements 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.

D. For the purposes of granting Special Approval, the Board finds that the purpose of the Special Approval regulation is satisfied by the analysis provided in the staff report and proposed design which indicates the proposed project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1005.3, the Board finds that the intent of Section 1005.3 is met by the project’s design and proposed stipulations to an equal or greater degree to further the intent of the Planned Development Residential zoning district provisions.

F. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 402.7.D.1, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent as the same amount of screening will be provided in the narrower roadway buffer.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for 24 multi-family units upon the property subject to the following Stipulations:

STIPULATIONS

A. PLANNING

1. All applicable design standards for LDC Section 900 Entranceway criteria shall apply to this project.
2. Elevations of the proposed design shall be provided with Final Site Plan submittal to ensure compliance with LDC Section 900 Entranceway criteria.

B. ENVIRONMENTAL

1. If wells are encountered during construction a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior commencing construction. 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.
2. 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. UTILITIES

1. Connection to the County 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 County's Wastewater System 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. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby approved for: 1) a project in the Residential/Office/Retail Future Land Use Category exceeding a gross density of 6 dwelling units per acre and a net density of 9 dwelling units per acre, and 2) a project in an entranceway. Specific Approval is hereby granted for alternatives to Land Development Code Section 1005.3 (reduced parking for a multifamily residential use) and LDC Section 402.7.D.1 (a decreased roadway buffer).

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 classification of the property identified in Exhibit "A" herein from PR-M (Professional - Medium) and A-1 (Suburban Agriculture – 1 Dwelling Unit Per Acre) 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 Building and

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, 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 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 1st day of March, 2018.

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

BY: _____
Priscilla Trace, Chairman

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

BY: _____
Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTIONs by Walter J. Smith, PSM Survey dated 01/29/2014

Commence at the Northeasterly most intersection of 65th Street East and State Road No. 64 in the SW 1/4 of Section 26, Township 34 South, Range 18 East, Manatee County, Florida; thence N 00°04'30" E 851.48 feet along the Easterly most Right of Way line of 65th Street East for a Point of Beginning; thence S 89°38'21" E 230.0 feet; thence N 00°04'30" E 93.0 feet; thence S 89°38'21" E 86.3 feet; thence Northerly 30.85 feet to a point on the Southern boundary of Manatee Palms Subdivision, Unit Two as recorded in Plat Book 17, page 81, of the Public Records of Manatee County, Florida; thence N 88°38'08" W along said Southerly boundary of Manatee Palms Subdivision 315.02 feet to a point of said Eastern Right of Way of 65th Street East; thence along a curve with a radius of 765 feet, a chord length of 46.49 feet on a bearing of S 01°48'59" W to a P.C.; thence S 00°04'30" W, along said R/W line 84.9 feet to the Point of Beginning.

Subject to the following described 20 feet wide ingress/egress easement, 10 feet each side of the following described centerline, to wit:

Begin at the P.O.B. of the above described parcel of land; thence South 00°41'35" West, along the West line of said parcel, 10.00 feet for a P.O.B.; thence North 88°24'11" West, parallel to the Westerly extension of the North line of said parcel, 112.50 feet; thence South 00°41'35" West, parallel to the West line of said parcel 106.32 feet; thence North 88°24'11" West, parallel to the Westerly extension of the North line of said parcel, 204.48 feet to the intersection of said line and the East R/W of a County road.

LEGAL DESCRIPTION: FOR 403 65TH STREET EAST

Begin at the Southwest corner of Section 26, Township 34 South, Range 18 East, thence North 00°07'30" East, along the West line of said Section 26, 1528.28 feet to a point which lies South 00°07'30" West, 3769.00 feet from the Northwest corner of said Section 26; thence South 88°24'11" East, 743.27 feet to an iron pipe for a P.O.B.; thence continue South 88°24'11" East, 208.71 feet; thence South 00°41'35" West, parallel to the East line of the West 1/2 of said Section 26, 208.71 feet thence North 88°24'11" West, 208.71 feet, thence North 00°41'35" East, parallel to the East Line of the West 1/2 of said Section 26, 208.71 feet to the P.O.B., being and lying in the West 1/2 of Section 26, Township 34 South, Range 18 East, Manatee County, Florida. Containing 1.00 Acres

Together with the following described 20 feet wide ingress/egress easement, 10 feet each side of the following described centerline, to wit:

Begin at the P.O.B. of the above described parcel of land; thence South 00°41'35" West, along the West line of said parcel, 10.00 feet for a P.O.B.; thence North 88°24'11" West, parallel to the Westerly extension of the North line of said parcel, 112.50 feet; thence South 00°41'35" West, parallel to the West line of said parcel 106.32 feet; thence North 88°24'11" West, parallel to the Westerly extension of the North line of said parcel, 204.48 feet to the intersection of said line and the East R/W of a County road.

LEGAL DESCRIPTION: FOR 407 65TH STREET EAST

Commence at the Northeasterly most intersection of 65th Street East and State Road No. 64 in West 1/2 of Section 26, Township 34 South, Range 18 East, Manatee County, Florida;

thence North 0°04'30" East along the Easternmost right of way line of 65th Street East, a distance of 601.41 feet for the Point of Beginning; thence continue North 0°04'30" East along said Easternmost right of way line of 65th Street East, a distance of 250.07 feet; thence South 89°38'21" East, 230.00 feet; thence North 0°04'30" East 93.00 feet; thence South 89°38'21" East 86.3 feet; thence South 0°04'30" West 343.07 feet; thence North 89°38'21" West 316.3 feet to the Point of Beginning, as described in Official Records Book 904, Page 513, Public Records of Manatee County, Florida. Less the South 150 feet of the above described property.