

Siesta V Administrative Amendment (ADD2024-00060)

July 11, 2024
Resubmission Package

DEVIATIONS

Additional Deviations

- Deviation 10: A deviation seeking relief from present LDC Section 10-416(d)(9), which requires a 50-foot-wide vegetative buffer landward of non-seawalled natural waterways as measured from the mean high water line or top of bank, whichever is further landward, to allow a previously approved 25-foot-wide vegetative buffer along the non-seawalled shoreline of Lot 23 and the shoreline of Lots 24 through 36.
- Justification 10: This project was approved in 2002 and has a development order in place. The project was designed and approved to meet the 25-foot requirement in place at the time of the zoning approval. The Applicant is not seeking to reduce the buffer approved and vested, and by this amendment is increasing wetlands placed under conservation easement, reducing the number of lots, planting mangroves and further minimizing the effect of the project on neighboring properties. The amendment follows the terms of a settlement of an administrative challenge to a DEP permit modification for the project. Under the settlement, if this amendment is not approved, the Applicant can proceed to hearing and build without the additional benefits of this amendment. Providing a 50-foot-wide vegetative buffer is simply not possible and an alternate design would put more lot area in wetlands.
- Deviation 11: A deviation seeking relief from present LDC Section 10-416(d)(9)a. which requires the vegetative buffer landward of non-seawalled natural waterways in residential subdivisions to be located within a common area or tract, and outside of all private property boundaries to allow the 25-foot-wide vegetative buffer along the non-seawalled shoreline of Lot 23 and the shoreline of Lots 24 through 36, which is subject to a recorded conservation easement given by the developer to the Florida Department of Environmental Protection, and restricted as a conservation easement in the recorded Deed Restrictions, to be part of the private lot boundaries.
- Justification 11: The County-approved 25-foot-wide buffer is part of the private lot boundaries, which was permissible in 2002, but is the subject of a conservation easement already given by the developer to the Florida Department of Environmental Protection and recorded in the Official Records. The vegetative buffer is also protected under the recorded Declaration of Covenants Conditions and Restrictions, giving the Homeowners Association the ability to enforce its protection, just as if it was part of a common area or tract, thus the difference between association ownership and lot owner ownership is immaterial from a regulatory standpoint. Under the recorded declaration, the Association is also required to designate the boundary of the conservation areas with signage, including the subject buffers within the lots, to inform the lot owners of their conservation status.