

## Manatee County Zoning Ordinance

### **PDC-25-21(Z)(P) – PALMETTO GROCERY– CAROL GORE AND CHARLES J ELMORE; MICHAEL GARDNER; AND JAMES AND REBECCA HESTER (OWNERS) – PLN2509-0183**

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, GENERALLY LOCATED IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF MOCCASIN WALLOW ROAD AND BUD RHODEN ROAD (MANATEE COUNTY), PROVIDING FOR A REZONE OF APPROXIMATELY 9.97 ACRES FROM (AGRICULTURAL SUBURBAN (A-1) (2.54 ACRES) AND NEIGHBORHOOD COMMERCIAL – MEDIUM (NC-M) (7.43 ACRES) TO PLANNED DEVELOPMENT COMMERCIAL (PDC) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR UP TO 57,064 SQUARE FEET OF RETAIL/COMMERCIAL SHOPPING CENTER; SUBJECT TO CONDITIONS OF APPROVAL AS VOLUNTARILY PROFFERED BY THE APPLICANT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Carol Gore and Charles J Elmore; Michael Gardner; and James and Rebecca Hester (Owners) (the “Applicants”) filed an application to rezone approximately 9.97 acres described in Exhibit “A”, attached hereto, (the “Property”) from (Agricultural Suburban (A-1) (2.54 Acres) and Neighborhood Commercial – Medium (NC-M) (7.43 Acres) to Planned Development Commercial (PDC) Zoning District; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan for up to 57,064 square feet of retail/commercial shopping center (the “project”) on the property; and

**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Section: 1005.3.A. Table 10-2, Note 10., eliminating the 6-foot-wide drive aisles for grocery stores over 20,000 square feet directly adjacent to the commercial buildings; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on May 14, 2026, to consider the rezone, Preliminary Site 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 conditions 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 (Agricultural Suburban (A-1) (2.54 Acres) and Neighborhood Commercial – Medium (NC-M) (7.43 Acres) to Planned Development Commercial (PDC) Zoning District.

B. The Board of County Commissioners, after due public notice, held a public hearing on June 4, 2026, 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 1005.3.A. Table 10-2, Note 10, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design of the sidewalk requirements.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for up to 57,064 square feet of retail/commercial shopping center upon the property, subject to the following Conditions:

**A. DESIGN AND LAND USE**

1. 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.
2. 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.
3. 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. Details of screening shall be submitted with Final Site Plan.

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

## **B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are 3.22 acres of impacts to jurisdictional wetlands being approved by the adoption of this Ordinance.
3. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Performance Standard (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 structure (if existing);
  - GPS coordinates (Latitude/longitude) of the well;
  - The methodology used to secure the well during construction (e.g. fence, tape); and,
  - The final disposition of the well - used, capped, or plugged.
4. 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. TRAFFIC ENGINEERING**

1. The County has repealed transportation concurrency and implemented an Alternative Transportation System (ATS). Therefore, at the time of future site plan submittal and accompanying Multimodal Site Access and Safety Analysis (MSASA) review, all proposed access points will be evaluated with a Trip Reservation Report and Operational Analysis (TRR & OA) to determine if any site and safety related improvements will be required for the site. Moreover, trips will be reserved on the impacted thoroughfares at the time of submission of Final Site Plan (FSP).

## **D. DEVELOPMENT REVIEW**

1. Commercial Access widths are not shown per Public Work Standards. The future Final Site Plan will need to show compliance with Public Work Standards, or a County Engineer accepted design exception will be required at Final Site Plan.
2. Proposed sidewalk adjacent to Bud Rhoden Road will either be constructed within a right-of-way or within a pedestrian easement.
3. 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 Development Services review process for the project.

**E. 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 subsequent Final Site Plan and Construction Plan submittal(s) 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 County FEMA 1% annual chance flood hazard area delineation pursuant to the Buffalo Canal/Frog Creek Watershed Management Plan, and post-development discharge of runoff.
2. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Chapter 2-10 - Drainage and Flood Control, 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:

Site-specific cumulative rainfall as derived from the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Point Precipitation Estimates or watershed Design Storm Parameters shall be utilized as noted below:

Critical Design Storm Modeling Parameters:

Storm Frequency:

Distribution:	Annual Probability Of Occurrence:	Cumulative Rainfall:	Rainfall:
3.22-year	24-hour	N/A	4.5 inches SCSII – FLMOD
10-year	24-hour	10%	NOAA Atlas 14 SCSII – FLMOD
25-year	24-hour	4%	NOAA Atlas 14 SCSII – FLMOD
50-year	24-hour	2%	NOAA Atlas 14 SCSII – FLMOD
100-year	24-hour	1%	NOAA Atlas 14 SCSII- FLMOD
100-year	72-hour	N/A	18 inches FDOT-72

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 Buffalo Canal/Frog Creek

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

3. Any fill within the FEMA 1% annual chance flood hazard area as delineated by the Buffalo Canal/Frog Creek Watershed Management Plan (WMP) shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. FEMA 1% annual chance flood hazard area compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation). Alternatively, the applicant can submit drainage modeling utilizing the Buffalo Canal/Frog Creek Watershed Management Plan (submitted for review to the Public Works Department with the Construction Plan submittal) to demonstrate no adverse drainage impacts for the mean annual, 10-year, 25-year, and 100-year design storm events to a no-rise condition.
4. This project shall be required to reduce the calculated pre-development flow rate by a full 50% for all stormwater outfall flow directly or indirectly into Buffalo Canal/Frog Creek Watershed. Modeling shall be used to determine pre- and post- development flows.

Or The Engineer of Record (EOR) shall submit drainage modeling to demonstrate the allowable pre-development rate of discharge has been reduced by 50% for Buffalo Canal/Frog Creek Watershed.

5. Any fill within the FEMA 1% annual chance flood hazard area derived from the FEMA FIRM shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. The FEMA 1% annual chance flood hazard area 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 to a no-rise condition.
6. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for the any existing ditch along the property line within the project boundaries. In addition, a 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.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for alternatives to Land Development Code Section: 1005.3.A. Table 10-2, Note 10., eliminating the 6-foot-wide drive aisles for grocery stores over 20,000 square feet directly adjacent to the commercial buildings. The Specific Approval shall continue in effect and shall expire concurrent with the Revised Preliminary site Plan for the project approved pursuant to Section 2 hereof.

**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 (Agricultural Suburban (A-1) (2.54 Acres) and Neighborhood Commercial – Medium (NC-M) (7.43 Acres) to Planned Development Commercial (PDC) 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.

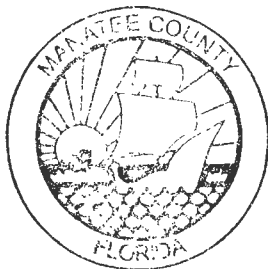
**Section 5. SEVERABILITY.** If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provision shall be deemed severable, and such invalidity or unconstitutionality 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 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 4<sup>th</sup> day of June 2026.



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

BY: \_\_\_\_\_

*[Signature]*  
Chairperson

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

BY: \_\_\_\_\_

*[Signature]*  
Deputy Clerk

**Exhibit “A”**

**Legal Description**

The Land referred to herein below is situated in the County of MANATEE, State of Florida, and is described as follows:

**Parcel 1**

Begin 280 yards east of the SW corner of the SE 1/4 of the SW 1/4 of Section 17, Township 33 South, Range 18 East, thence north 105 yards, thence west 92.18 yards, thence south 105 yards, thence east 92.18 yards to the Point of Beginning. LESS road right-of-way.

Less and except that portion conveyed to Manatee County by Warranty Deed recorded in Instrument No. 202141083268.

**Parcel 2**

Begin at the SW corner of the SE 1/4 of the SW 1/4, East 280 yards, North 198 yards, West 219 3/4 yards, South 40 yards, West 60 1/4 yards, South 158 yards LESS 2 acres in the SE corner of school, more particularly described in that certain Warranty Deed recorded in Deed Book 144, Page 198, all lying in Section 17, Township 33 South, Range 18 East Manatee County, Florida.

Less and exception that portion conveyed to Manatee County by Warranty Deed recorded in Instrument No. 202141125876.

**Parcel 3**

Begin 155 yards North of the SW corner of the SE 1/4 of the SW 1/4, East 60 1/2 yards, North 40 yards, West 60 1/2 yards, South 40 yards, Section 17, Township 33 South, Range 18 East, Manatee County Florida.

The above description is the same as the one described per Title Commitment Order No. 110453416 issued by First American Title Insurance Company, bearing an effective date of July 17, 2025 at 8:00 AM.



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

June 4, 2026

Angelina Coloneso  
Clerk of the Circuit Court  
Manatee County  
1115 Manatee Ave W  
Bradenton, FL 34205

Dear Angelina Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDC-25-21(Z)(P), which was filed in this office on June 4, 2026.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp