

## Manatee County Zoning Ordinance

### **PDI-23-03(Z)(P)– PROJECT SILVERADO– MCCLURE PROPERTIES LTD.– PLN2210-0028**

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 39 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF 21<sup>ST</sup> STREET COURT EAST, APPROXIMATELY 0.5 MILES EAST OF CANAL ROAD, AND COMMONLY KNOWN AS 2616 21<sup>ST</sup> STREET COURT EAST, PALMETTO, (MANATEE COUNTY) FROM A-1 (AGRICULTURAL SUBURBAN) TO THE PD-I (PLANNED DEVELOPMENT-INDUSTRIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR A FACILITY CONSISTING OF FIVE (5) BUILDINGS TOTALING 230,250 SQUARE FEET FOR LIGHT INDUSTRIAL/WAREHOUSE/OFFICE USE AND ASSOCIATED INFRASTRUCTURE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, McClure Properties, Ltd. (the "Applicant") filed an application to rezone approximately 39 acres described in Exhibit "A", attached hereto, (the "Property") from A-1 (Agricultural Suburban) to the PD-I (Planned Development-Industrial) zoning district; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan for a facility consisting of five (5) buildings totaling 230,250 square feet for light industrial/warehouse/office use and associated infrastructure (the "project") on the property; and

**WHEREAS**, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 531.59 – Warehouses– Buffer Zones.to allow to not install a 6-foot opaque wall or fence within the southern 20-acres, 2) 701.4- Buffer Zones. A. 1.to allow for the buffer to be provided along the drainage access and maintenance easement where Building 1 is proposed and to allow for the existing vegetation and required tree replacement to count toward the required east and west buffers within the southern 20 acres; 3) 701.4 – Buffer Zones. B. 1. To allow to not to install a 6-foot opaque wall or fence within the southern 20-acres and to locate 40 linear feet of the required the six (6) foot opaque wall on the inside of the buffer for northwest side of the project; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on September 7, 2023, 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 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 (Agricultural Suburban) to the PD-I (Planned Development-Industrial) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on September 7, 2023, 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.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for a facility consisting of five (5) buildings totaling 230,250 square feet for light industrial/warehouse/office use and associated infrastructure, upon the property subject to the following Stipulations:

**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 construction plans and building permit.
2. All dumpsters, compactors, and other utility equipment shall be screened with a six-foot-high wall constructed with building materials consistent with the principal building(s).
3. 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.
4. At time of future Final Site Plan (FSP) submittal, the applicant shall provide an Adverse Impact Statement, containing relevant and compliant analysis regarding the project is not creating any objectionable impacts (e.g. height of accessory or incidental structures, noise, smoke, dust, vibration, or glare).

5. A lighting plan, in compliance with the LDC regulations, will be required to be submitted at the final site plan stage.
6. Project shall be limited to the Light Industrial/Warehouse/Office use as shown on the Preliminary Site Plan.

## **B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are 2.17 acres of impacts to jurisdictional wetlands being approved by the adoption of this Ordinance. Impacts to wetland buffers shall be reviewed in accordance with LDC Sec. 706.7 at time of Final Site Plan.
3. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, wetland buffers, and upland preservation areas that will serve as wetland mitigation areas shall be dedicated to Manatee County prior to, or concurrent with, Final Plat approval or Certificate of Occupancy or Certificate of Completion issuance.
4. Buffer encroachments and buffer restoration plans will be addressed during Final Site Plan to ensure consistency with LDC Section 706.4.C and buffer restoration requirements per LDC Section 706.4.D.
5. If wells are encountered and not proposed for irrigation, 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 recommencing 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.
6. 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 to proposed impacts to the 100-year floodplain as derived from the FEMA August, 10, 2021, effective FIRM and post-development discharge of runoff. The following design 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:
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/72-hour	18 inches	FDOT-72

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

2. Any fill within the 100-year floodplain as derived from the FEMA August 10, 2021, effective FIRM 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). Alternatively, the applicant can utilize drainage modeling to demonstrate no adverse drainage impacts are created for the design storm frequency events.
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.
4. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for Jodabilt/PDG Electric (county-maintained drainage system "N-42" within the project boundaries. In addition, a Drainage-Maintenance Access Easement shall be provided along the top-of-bank of this drainage system. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

#### **D. INFRASTRUCTURE**

1. Connection to the County potable water and wastewater systems 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 appropriate 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.
2. Applicant will design and construct the off-site roadway (24th Avenue East between 21st Street Court East and 28th Street Court East) in compliance with Manatee County Public Works Design Standards Manual, except where a Design Exception may be considered and approved by Public Works. The construction of the off-site roadway will be completed prior to the Certificate of Completion.

**Section 3. SPECIFIC APPROVALS.** Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 531.59 – Warehouses– Buffer Zones.to allow to not install a 6-foot opaque wall or fence within the southern 20-acres, 2) 701.4- Buffer Zones. A. 1.to allow for the buffer to be provided along the drainage access and maintenance easement where Building 1 is proposed and to allow for the existing vegetation and required tree replacement to count toward the required east and west buffers within the southern 20 acres; 3) 701.4 – Buffer Zones. B. 1. To allow to not to install a 6-foot opaque wall or fence within the southern 20-acres and to locate 40 linear feet of the required the six (6) foot opaque wall on the inside of the buffer for northwest side of the project. 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 A-1 (Agricultural Suburban) to the PD-I (Planned Development-Industrial) 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.



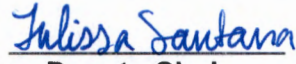
**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 7<sup>th</sup> day of September 2023.



**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**

LOTS 19 AND 20, PATTEN SUBDIVISION, PER THE PLAT THEREOF RECORDED IN PLAT BOO 1, AT PAGE 136, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; LESS 1 ACRE OFF THE EAST BOUNDARY FOR RAILROAD AND CANAL; AND LESS LAND DESCRIBED IN DEED BOOK 376, AT PAGE 541, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; AND THE E ½ OF THE NEW ¼ OF THE SE ¼ OF SECTION 7, TOWNSHIP 34 SOUTH, RANGE 18 EAST; LESS 1 ¾ ACRES OFF THE EAST BOUNDARY FOR RAILROAD AND CANAL.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

September 8, 2023

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. PDI-23-03(Z)(P), which was filed in this office on September 7, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh