

## Manatee County Zoning Ordinance

### **PDO-23-41(Z)(P) – PACE CENTER FOR GIRLS BRADENTON/PACE-THC INC** **- PACE-THC INC (OWNERS) - PLN2306-0286**

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 THE REZONING OF APPROXIMATELY 0.66 ACRES ON THE NORTHERN PORTION OF A 1.66-ACRE SITE (1.00-ACRE ALREADY ZONED PDO), LOCATED ON THE SOUTH SIDE OF 35<sup>TH</sup> AVENUE WEST AND WEST OF 26<sup>TH</sup> STREET WEST, COMMONLY KNOWN AS 3508 26<sup>TH</sup> STREET WEST, BRADENTON (MANATEE COUNTY) FROM RSF-6 (RESIDENTIAL SINGLE-FAMILY-6) TO THE PDO (PLANNED DEVELOPMENT OFFICE) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR AN APPROXIMATELY 16,680 SQUARE FEET FACILITY FOR PRIVATE SCHOOL USE AND ASSOCIATED INFRASTRUCTURE; SUBJECT TO STIPULATIONS OF APPROVAL AS VOLUNTARILY PROFFERED BY THE APPLICANT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Pace-THC, Inc. (the “Applicant”) filed an application to rezone approximately 0.66 acres described in Exhibit “A”, attached hereto, (the “Property”) from RSF-6 (Residential Single-Family-6) to the PDO (Planned Development Office) Zoning District; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan for an approximately 16,680 square feet facility for private school use and associated infrastructure (the “project”) on the property; and

**WHEREAS**, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Section 701.4.B.3 “Table 7-3, Option E – Screening Buffers, to allow a solid six-foot fence along the west property boundary, with the landscaping on the interior side of the fence; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held public hearings on January 11, 2024, and January 26, 2024, 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 RSF-6 (Residential Single-Family-6) to the PDO (Planned Development Office) Zoning District.

B. The Board of County Commissioners, after due public notice, held public hearings on January 18, 2024, and February 1, 2024, 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 LDC Section 701.4.B.3, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the applicant is only modifying the location of the 6-foot opaque fence and is providing the full 10-foot-wide screening buffer with required plantings to the west.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for an approximately 16,680 square feet facility for private school use and associated infrastructure upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE**

1. As voluntarily proffered by the Applicant, the following uses are the only permitted uses as described on this Preliminary Site Plan: Private School Facility.
2. At time of the Final Site Plan, the project shall be subject to meet all applicable requirements of LDC Section 531.50 Schools and the project shall be consistent with the Preliminary Site Plan.
3. All roof mounted mechanical equipment (e.g., HVAC) shall be screened with a solid parapet fence 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.
4. All dumpsters, compactors, and other utility equipment shall be screened with a six-foot-high fence constructed with building materials consistent with the principal building(s).



Compliance shall be verified at time of submittal of a Preliminary Site Plan/ Final Site Plan and review of the building permit.

5. 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.

## **B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers 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 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.
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. 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 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:

Storm Frequency:	Cumulative Rainfall:	Rainfall Distribution:
2.33-year/24-hour	4.5 inches	FLMOD
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.

**Section 3. SPECIFIC APPROVAL.** Specific Approval is hereby granted for an alternative to Land Development Code Section 701.4.B.3 "Table 7-3, Option E – Screening Buffers, to allow a solid six-foot fence along the west property boundary, with the landscaping on the interior side of the fence. 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 RSF-6 (Residential Single-Family-6) to the PDO (Planned Development Office) 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.

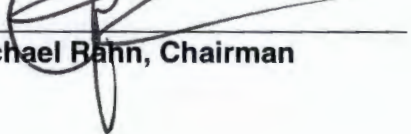
**Section 8. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.



**PASSED AND DULY ADOPTED**, by the Board of County Commissioners of Manatee County, Florida on the 1<sup>st</sup> day of February 2024.



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

BY:   
Michael Bahn, Chairman

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

BY:   
Deputy Clerk

**Exhibit "A"**

**Legal Description**

**PARCEL A:**

PARCEL 1: WEST 10 FEET OF THE EAST 200 FEET OF LOT 7, PINE PARK, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 12, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL 2: EAST 90 FEED OF LOT 17, PINE PARK, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 12, OF THE PUBLIC RECORDS OF M AN ATEE COUNTY, FLORIDA.

**PARCEL B: OFFICI AL RECORDS BOOK 1496, PAGE 2107**

COMMENCE AT THE NORTHEAST CORNER OF LOT 0, SOUTHSIDE FARMS, A SUBDIVISION, AS PER PLAT THEREOF RECORDED IN IN PLAT BOOK 7, PAGE 3 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA: THENCE NORTH 89°29'05" WEST, A DISTANCE OF 5.00 FEET TO THE IN TER SECTION WITH THE WEST RIGH T OF WAY LINE OF 26TH STREET WEST FOR A POINT OF BEGINNING; THENCE SOUTH, ALONG SAID WEST RIGHT OF WAY OF 26TH STREET WEST, A DISTANCE OF 196.01 FEET TO THE INTERSECTION WITH THE NORTH RIGH T OF WAY LINE OF 36 TH AVENUE WEST, ESTABLISHED PURSUIT TO TH AT CERTAIN ADDITION AL RIGH T OF WAY

TAKING, RECORDED IN OFFICIAL RECORDS BOOK 175, PAGE 794 AND OFFICIAL RECORDS BOOK 178, PAGE 531, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE NORTH 89°29'05" WEST, ALONG SAID NORTH RIGH 7 OF WAY LINE OF SAID 36TH AVENUE WEST, A DISTANCE OF 171.01 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 81 °01'39" WEST, A DISTANCE OF 70.50 FEET TO THE IN TER SECTION WITH THE EAST LINE OF LOT 1, BACH SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 72 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE NORTH 00°01'50" WEST, ALONG SAID EAST LINE OF LOT 1, A DISTANCE OF 85.64 FEET TO THE IN TER SECTION WITH THE SOUTH LINE OF PINE PARK SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 12, OF THE PUBLIC RECORDS OF MAN ATEE COUN TY, FLORIDA; THEN CE SOUTH 89°29'05" EAST, ALONG SAID SOUTH LINE OF PINE PARK SUBDIVISION, A DISTANCE OF 240.75 FEED TO THE POINT OF BEGINNING.

BEING AND LYING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

February 2, 2024

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. PDO-23-41(Z)(P), which was filed in this office on February 1, 2024.

Sincerely,

Matthew Hargreaves  
Administrative Code and Register Director

MJH/wlh