

**Manatee County Ordinance**  
**PDR-16-03(P)(R) – SOUTHPOINTE (F/K/A VORBECK MOCCASIN WALLOW)/THE**  
**VORBECK FAMILY LIMITED PARTNERSHIP**  
**PLN2202-0032**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDMENT TO ZONING ORDINANCE PDR-16-03(Z)(P) TO APPROVE AN AMENDED PRELIMINARY SITE PLAN ON A PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONED PROJECT FOR 524 SINGLE FAMILY RESIDENTIAL UNITS; THE PROPERTY IS APPROXIMATELY 136.95 ACRES OF LAND ON THE SOUTH SIDE OF MOCCASIN WALLOW ROAD AND NORTH OF AMLONG ROAD AND MORE COMMONLY KNOWN AS 4105 MOCCASIN WALLOW ROAD, PALMETTO (MANATEE COUNTY); SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, The Vorbeck Family Limited Partnership (the "Applicant") filed an application for an amended Preliminary Site Plan for 524 single family residential units on approximately 136.95 acres as described in Exhibit "A", attached hereto, (the "Property"); and

**WHEREAS**, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Sections: 401.3.E.8 to allow a reduction to the rear yard setback when adjacent to active agricultural uses; and 402.7.D.7 to allow a reduction to secondary front yard setback from 20-feet to 10-feet; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on March 9, 2023, to consider the amended 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 amended Preliminary Site Plan and Specific Approval 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 subject to the stipulations 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, 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 a revised Preliminary Site Plan and Specific Approval as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on March 23, 2023, regarding the proposed Ordinance 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 Ordinance 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 401.3.E.8, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed alternative designs because the additional landscaping or a fence will be provided to separate the residential lots from adjacent active agricultural operations.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section Sec. 402.7.D.7, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by providing ten (10) feet for the secondary front yard setback, since no driveway or garage will be built along this yard.

**Section 2. AMENDED PRELIMINARY SITE PLAN.** The amended Preliminary Site Plan is hereby approved for 524 single family residential units upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE STIPULATIONS**

1. The project shall include development of three (3) amenity areas of 1 acre, 1 acre and 1.67 acres, as shown on the PSP, that may include the following: clubhouse, swimming pool, tot lot, sport courts, and passive recreational activities.
2. With the preliminary plats and final plats for the phases that will contain "zero-lot lines" there shall be information to show and require that the specific "building footprint" be used to build on each of these lots, to maintain the separation between buildings. This information, that should include the building footprints for each individual lot, shall be shown on the Preliminary Plat, Final Site Plan as well as Final Plat.
3. At the time of Final Site Plan (FSP) review, the project shall demonstrate there are no active agricultural uses adjacent to the project boundary. If active agricultural uses are adjacent to proposed residential lots within the project boundary, an alternative 20-foot screening buffer shall be provided having a 6-foot fence or shrubs and trees with 80 percent opacity within the entire buffer. If no active agricultural uses are adjacent, a 15-foot perimeter buffer in accordance with the LDC shall be required.
4. If applicable, any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the



guidelines established by the Florida Department of State, Division of Historical 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 (Offenses Concerning Dead Bodies and Graves) shall be followed.

5. A six-foot (6-foot) PVC fence shall be required within the Perimeter Greenbelt buffer where residential lots within the project abut Parcel ID#644412059 and 89<sup>th</sup> Street East (a/k/a Amlong Road).

## **B. DEVELOPMENT REVIEW**

1. 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 construction plans review process for the project.

## **C. STORMWATER STIPULATIONS**

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 (utilizing the approved Buffalo Canal/Frog Creek Watershed Management Plan available through the Public Works Department) shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2014 effective FIRM 100-year floodplain and 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:
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 condition shall include results in terms of runoff and staging. Drainage Modeling shall be submitted to demonstrate compliance prior to commencement of construction.

2. 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 Cabbage Slough/Frog Creek Watershed.



3. All fill within the 100-year Floodplain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. Drainage modeling shall utilize the approved Buffalo Canal/Frog Creek Watershed Management Plan (available through the Public Works Department) to demonstrate, in post-development condition, that no adverse impacts are created to adjacent property based upon a “no-rise” flood stage condition.
4. A Drainage Easement shall be dedicated to Manatee County and shall be shown on the Final Site Plan along Cabbage Slough within the project boundaries. In addition, a twenty (20) feet Drainage-Maintenance Access Easement shall be provided along the south bank of Cabbage Slough from the top of bank. This Drainage-Maintenance Access Easement shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
5. Ten (10) feet separation shall be provided between accessory structures (i.e., Heat Pumps, A/C Handlers, pool pumps, etc.) along the side yards of properties with a side yard setback of less than 7.5 feet.

#### **D. ENVIRONMENTAL STIPULATIONS**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. 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.
3. An updated species survey will be conducted 90 days prior to construction.
4. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas. Before Final Site Plan approval, lots will need to be drawn so they do not encroach into the wetlands or wetland buffers. Buffer encroachments and buffer restoration plans will be addressed during Final Site Plan to ensure consistency with the County’s variable width buffer requirement per LDC Section 706.4.C and buffer restoration requirements per LDC Section 706.4.D.
5. 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.

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.

**Section 3. SPECIFIC APPROVALS.** Specific Approval is hereby granted for alternatives to Land Development Code Sections: 401.3.E.8 to allow a reduction to the rear yard setback when adjacent to active agricultural uses; and 402.7.D.7 to allow a reduction to secondary front yard setback from 20-feet to 10-feet. 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. IF APPLICABLE

**Section 4. 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 5. 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 6. 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 7. 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 23<sup>rd</sup> day of March 2023.



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

BY:   
Kevin Van Ostenbridge, Chairman

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

BY:   
Deputy Clerk



## Exhibit "A"

### Legal Description

THE NE 1/4 OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY, ALSO THE NE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PROPERTY: COMMENCE AT THE NE CORNER OF SAID SECTION 20: THENCE S 00 DEGREES 01'07" W, ALONG THE EAST LINE OF SAID SECTION 20, 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF MOCCASIN WALLOW ROAD, FOR A POINT OF BEGINNING; THENCE CONTINUE S 00 DEGREES 01'07" W, ALONG THE EAST LINE OF SAID SECTION 20, 1616.69 FEET, THENCE N 89 DEGREES 30' 53" W, 1569.26 FEET; THENCE N 00 DEGREES 01'07" E, 1616.69 FEET TO THE AFOREMENTIONED SOUTH RIGHT-OF-WAY LINE OF MOCCASIN WALLOW ROAD; THENCE S 89 DEGREES 30'53" E, ALONG SAID RIGHT-OF-WAY LINE, 1569.26 FEET TO THE POINT OF BEGINNING.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NE CORNER OF SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; RUN S 00 DEGREES 06'54" W, ALONG THE EAST LINE OF SAID SECTION 20, 1646.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 00 DEGREES 06'54" W, A DISTANCE OF 980.81 FEET TO A FOUND CONCRETE MONUMENT AT THE NE CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 20; THENCE S 00 DEGREES 07'54" W, A DISTANCE OF 1386.58 FEET TO A FOUND CONCRETE MONUMENT AT THE SE CORNER OF THE SAID NE 1/4 OF THE SE 1/4; THENCE N 89 DEGREES 57' 51" W A DISTANCE OF 1327.93 FEET TO THE S.W. CORNER OF THE SAID N.E. 1/4 OF THE S.E. 1/4; THENCE N 00 DEGREES 31' 02" E, A DISTANCE OF 1389.93 FEET TO A FOUND IRON ROD AT THE S.E. CORNER OF THE S.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 20, THENCE N 89 DEGREES 49' 15" W, A DISTANCE OF 1318.58 FEET TO A FOUND IRON PIPE AT THE S.W. CORNER OF THE SAID SW 1/4 OF THE N.E. 1/4; THENCE N 00 DEGREES 54'03" E, ALONG THE WEST LINE OF THE N.E. 1/4 OF SAID SECTION 20, A DISTANCE OF 2609.38 FEET TO THE SOUTH RIGHT OF WAY LINE OF MOCCASIN WALLOW ROAD; THENCE S 89 DEGREES 33'49" E, ALONG SAID RIGHT OF WAY LINE AND 30 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 1032.16 FEET; THENCE S 00 DEGREES 06'54" W, AND PARALLEL WITH THE EAST LINE OF SAID SECTION 20, A DISTANCE OF 1616.69 FEET; THENCE S 89 DEGREES 33'49" E, AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 1569.26 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 20, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

Less:

A parcel of land in the Southwest 1/4 of the Northeast 1/4 of Section 20, Township 33 South, Range 18 East, Manatee County, Florida being more particularly described as follows:

Commence at the Southwest corner of said Southwest 1/4 of the Northeast 1/4; thence N 00° 40' 30" E, along the West line of said Southwest 1/4 of the Northeast 1/4, a distance of 30.00 feet to a point on the North monumented right-of-way line of Amlong Road (89th Street East), said point being the Point of Beginning; thence continue N 00° 40' 30"E, along said West line, a

distance of 210.00 feet; thence S 89° 55' 03"E, parallel to the South line of Said Southwest 1/4 of the Northeast 1/4 , a distance of 210.00 feet; thence S 00° 40' 30" W, 210.00 feet to a point on the aforementioned North right-of-way line of Amlong Road; thence N 89° 55' 03"W, along said North right-of-way line, a distance of 210.00 feet to the point of beginning.

ALSO LESS THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO MANATEE COUNTY IN WARRANTY DEED RECORDED IN O.R. INSTRUMENT NO. 202141163303, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

March 30, 2023

Honorable Angelina Colonnese  
Clerk of the Circuit Court  
Manatee County  
Post Office Box 25400  
Bradenton, FL 34206

Attention: Julissa Santana

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. PDR-16-03(P)(R), which was filed in this office on March 29, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh