

## Manatee County Zoning Ordinance

### **PDR-22-11(Z)(P) – THE PADDOCKS REZONE-WITH PRELIMINARY SITE PLAN-PADDOCKS LAND VENTURE/JOHN THOMSON AIRFIELD INC – (PADDOCKS LAND VENTURE) – PLN2203-0171**

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 REZONE OF APPROXIMATELY 5.43 ACRES PART OF AN APPROXIMATELY 85.91 ACRES SITE (80.48 ARE ZONED PDR) GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 37<sup>TH</sup> STREET EAST (MENDOZA ROAD) AND 36<sup>TH</sup> AVENUE EAST (ELLENTON-GILLETTE ROAD) AND EXTENDING SOUTH A HALF (1/2) MILE TO 29<sup>TH</sup> STREET EAST COMMONLY KNOWN AS, 2920 AND 2904 29TH ST E, PALMETTO (MANATEE COUNTY) FROM RSF-4.5 (RESIDENTIAL SINGLE FAMILY – 4.5) (2.05 ACRES) AND A-1 (AGRICULTURAL SUBURBAN) (3.3 ACRES) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 264 SINGLE FAMILY DETACHED RESIDENTIAL UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Paddock Land Venture/John Thomson Airfield, Inc. (the “Applicant”) filed an application to rezone approximately 5.43 acres part of an approximately 85.91 acres site (80.48 are zoned PDR) described in Exhibit “A”, attached hereto, (the “Property”) from RSF-4.5 (Residential Single Family – 4.5) (2.05 acres) and A-1 (Agricultural Suburban) (3.3 Acres) to the PDR (Planned Development Residential) zoning district; and

**WHEREAS**, the applicant also filed a Preliminary Site Plan for 264 Single Family Detached Residential Units (the “project”) on the property; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on April 13, 2023, to consider the rezone and Preliminary Site Plan 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-4.5 (Residential Single Family – 4.5) (2.05 acres) and A-1 (Agricultural Suburban) (3.3 Acres) to the PDR (Planned Development Residential) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on April 20, 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 264 Single Family Detached Residential Units, upon the property subject to the following Stipulations:

**A. DESIGN AND LAND USE**

1. Final Site Plan (FSP) review and approval is required for recreational area(s) and any proposed amenities. Any structures and/or uses shall comply with the LDC requirements for parking, screening buffer (recreational use to single family), structure height, signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.
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. Prior to Final Site Plan approval, the Local Development Agreement for The Paddocks (LDA-11-01) shall be reviewed and amended.

**B. ENVIRONMENTAL**

1. All other applicable state or federal permits shall be obtained prior to commencement of development.



2. There are 0.29 acres of wetland impacts and 0.06 acres of wetland buffer impacts to jurisdictional wetlands being approved by the adoption of this Ordinance.
3. Due to seven (7) identified Gopher Tortoise burrows during May 2022 biological surveys, per the Environmental Narrative – August 2022, Ardurra recommends a 100% survey of suitable habitat be conducted for state-listed threatened Gopher Tortoises. In addition, due to potential habitat for the state and federal listed - threatened Eastern Indigo Snake, observed during May 2022 biological surveys, per the Environmental Narrative – June 2022, Ardurra recommends the project should implement the U.S. Fish and Wildlife Service's 'Standard Protection Measures for the Eastern Indigo Snake' in order to prevent any adverse impacts to this species.
4. The developer shall provide an updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species prior to Final Site Plan approval. The Management Plan, and correspondence and permits, approved by the State (Florida Fish and Wildlife Conservation Commission) shall be submitted prior to the commencement of development for any listed species found on site.
5. A Conservation Easement for the areas defined as post-development jurisdictional wetlands, that will serve as a wetland mitigation area shall be dedicated to Manatee County prior to, or concurrent with, Final Plat approval or Certificate of Occupancy or Certificate of Completion issuance.
6. 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.
7. 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.
8. 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:
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. 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.
3. Any fill within the 100-year floodplain (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 (submitted for review to the Public Works Department with the Construction Plan submittal) to demonstrate no adverse drainage impacts to a no-rise condition.
4. Ten (10) feet separation shall be provided between accessory structures (i.e., Heat Pumps, A/C Handlers, pool pumps, etc
5. .) along the side yards of properties with a side yard setback of less than 7.5 feet.

#### **D. DEVELOPMENT REVIEW**

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. Where possible utilities shall be stubbed out for future connections.

**Section 3. 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-4.5 (Residential Single Family – 4.5) (2.05 acres)

and A-1 (Agricultural Suburban) (3.3 Acres) to the PDR (Planned Development Residential) 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 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.

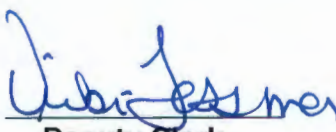
**PASSED AND DULY ADOPTED,** by the Board of County Commissioners of Manatee County, Florida on the 20<sup>th</sup> day of April 2023.



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

BY:   
Kevin Van Ostenbridge, Chairman

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

BY:   
Deputy Clerk

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ATTEST  
CLERK OF COURT

*[Handwritten signature in blue ink.]*  
BY \_\_\_\_\_



## Exhibit "A"

### Legal Description

#### DESCRIPTION OVERALL PARCEL

A parcel of lying in Sections 5, 6, 7, and 8, Township 34 South, Range 18 East, Manatee County, Florida, being more particularly described as follows:

COMMENCE at the common corner of Sections 5, 6, 7, & 8, Township 34 South Range 18 East Manatee County Florida; thence N.89°39'46"W., along the North line of said Section 7 to the intersection with the West line of a 105 foot wide Landing Strip as recorded in Official Records Book 1527, Page 7943 of the Public Records of Manatee County, Florida, 188.35 feet to the POINT OF BEGINNING; thence, N.19°42'14"E., along said West line of 105 foot wide Landing Strip to a point on the South right-of-way line of Mendoza Road, 1349.78 feet; thence S.89°20'30"E. along said South right-of-way line to the Northeast corner of the aforementioned Landing Strip, 111.08 feet, same being a point on the South right-of-way line of Mendoza Road per Right-of-Way Dedication recorded in Official Records Book 2434, Page 2468 of the Public Records of Manatee County, Florida; thence along said South right-of-way line the following three (3) courses: (1) S.19°42'14"W., 12.71, (2) S.89°20'36"E., 486.82 feet, (3) N.01°24'46"E., to the aforementioned South right-of-way line of Mendoza Road, 12.05 feet; thence S.89°20'10"E., along said South right-of-way line to its intersection with the West right-of-way line Ellenton Gillette Road (36<sup>th</sup> Avenue E), 300.04 feet; thence S.01°05'49"W., along said West right-of-way line to a point on the West right-of-way line of Ellenton Gillette Road per Right of Way Dedication recorded in Official Records Book 2434, Page 2468, of the aforementioned Public Records, 299.85 feet; thence along said West right-of-way line per Official Records Book 2434, Page 2468 the following two (2) courses: (1) N.89°21'52"W., 29.93 feet; (2) S.01°05'02"W., to a point on the North line of the aforementioned Section 8, 975.59; thence along said North line, N.89°23'16"W., 290.28 feet; thence S.20°46'09"E., 344.52 feet; thence S.89°50'16"E., 79.51 feet; thence S.00°14'04"E., 382.03 feet; thence N.89°28'34"W., 286.36 feet; thence N.00°12'18"E., 150.06 feet; thence N.89°28'19"W., 171.53 feet; thence S.00°05'16"W., to a point on the North right-of-way of 29<sup>th</sup> Street East per Right-of-Way Dedication recorded in Official Records Book 2434, Page 2468 of the aforementioned Public Records, 631.03 feet; thence along said North right-of-way line the following four (4) courses: (1) S.88°43'10"W., 555.91 feet; (2) S.46°18'10"W., 138.61 feet; (3) N.89°22'14"W., to a point on the East line of the aforementioned 105 foot wide Landing Strip, 446.08 feet; (4) S.19°42'14"W., along said East line to a point on the North right-of-way line of 29<sup>th</sup> Street East, 25.39 feet; thence N.89°59'31"W., along the South line of the aforementioned 105 foot wide landing strip, said line also being the North right-of-way line of 29<sup>th</sup> Street East to a point on the North right-of-way line of 29<sup>th</sup> Street East per Right-of-Way Dedication recorded in Official Records Book 2434, Page 2468 of the aforementioned Public Records, 111.54 feet; thence along said North right-of-way line the following three (3) courses: (1) N.19°42'14"E., 26.97 feet; (2) thence N.89°23'17"W., 533.70 feet; (3) N.44°48'57"W., to a point on the East right-of-way line of the abandoned Seaboard Coastline Railroad, 40.49 feet; thence along said East right-of-way line the following four (4) courses: (1) N.00°09'23"W., 606.34 feet; (2) N.89°49'47"W., 22.49 feet; (3) thence N.00°09'21"W., 243.85 feet to the point of curvature of a curve to the right, having a radius of 1875.03 feet, a central angle of 12° 47' 59", and whose chord bears N.06°17'54"E.; (4)

along the arc of said curve to the North line of the aforementioned Section 7, 418.88 feet; thence S.89°39'46"E., along said North line, 1004.68 feet to the POINT OF BEGINNING.

Parcel contains 3,884,036 Square Feet, or 89.17 Acres more or less.

#### LESS: LANDING STRIP NORTH

A parcel of land being a portion of a 105 foot wide Landing Strip recorded in Official Records Book 1527, Page 7943 of the Public Records of Manatee County, Florida, lying in Sections 5 & 6, Township 34 South, Range 18 East, Manatee County, Florida more particularly described as follows:

COMMENCE at the common corner of Sections 5, 6, 7, & 8, Township 34 South, Range 18 East, Manatee County, Florida; thence N.89°39'46"W., along the North line of said Section 7 to a point on the East line of a 105 foot wide Landing Strip recorded in Official Records Book 1527, Page 7943 of the Public Records of Manatee County, Florida, 77.06 feet for the POINT OF BEGINNING; thence continue along said North line of Section 7, N.89°39'46"W., to a point on the West line of the aforementioned 105 foot wide Landing Strip, 111.30 feet; thence along the boundary lines of said 105 foot wide Landing Strip the following three (3) courses: (1) N.19°42'14"E., to a point on the North line of said Landing Strip, same being the South right-of-way line of Mendoza Road, 1349.78 feet; (2) S.89°20'30"E., along said South right-of-way line to a point on the East line of the aforementioned Landing Strip, 111.08; (3) S.19°42'14"W., along said East line, 1349.12 feet to the POINT OF BEGINNING.

Parcel contains 141,692 Square Feet, or 3.25 Acres more or less.





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

April 24, 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-22-11(Z)(P), which was filed in this office on April 21, 2023.

Sincerely,

Anya Owens  
Program Administrator

ACO/wlh