

Manatee County Zoning Ordinance

**PDR-22-29(Z)(G) – REAGAN RANCH/E L REAGAN RESIDUAL TRUST & FERGUSON,
ESTHER R REAL ESTATE TRUST – E L REAGAN RESIDUAL TRUST UNDER WILL OF
ESTELL L R (OWNER) – PULTE HOME COMPANY LLC (CONTRACT PURCHASER) –
PLN2209-0033**

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); RELATED TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF AN APPROXIMATELY 223 ACRES, GENERALLY LOCATED ON THE WEST SIDE OF RYE ROAD AND SOUTH SIDE OF UPPER MANATEE RIVER ROAD APPROXIMATELY 2.85 MILES EAST OF FORT HAMER ROAD AND 2.16 MILES NORTHEAST OF SR64, AND COMMONLY KNOWN AS 16000 UPPER MANATEE RIVER ROAD, BRADENTON (MANATEE COUNTY) FROM A (GENERAL AGRICULTURE) TO THE PD-R (PLANNED DEVELOPMENT-RESIDENTIAL) ZONING DISTRICT; APPROVING A GENERAL DEVELOPMENT PLAN FOR A MAXIMUM OF 500 OF SINGLE FAMILY RESIDENTIAL DWELLING UNITS AND AMENITY CENTER; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, E L Reagan Residual Trust & Ferguson, Esther R Real Estate Trust – E L Reagan Residual Trust Under Will of Estell L R (Owner) – Pulte Home Company LLC (Contract Purchaser) (the “Applicants”) filed an application to rezone approximately 223 acres described in Exhibit “A”, attached hereto, (the “Property”) from A (General Agriculture) to the PD-R (Planned Development-Residential) zoning district; and

WHEREAS, the applicant also filed a General Development Plan for a maximum of 500 of single family residential dwelling units and amenity center (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for an alternative to Land Development Code Section: 401.3.E.8 to approve alternative designs to the required yard adjacent to agricultural operations from 35 feet greater than otherwise required by Code, to an alternative 20-foot wide screening buffer inclusive of the 15-foot greenbelt buffer with enhanced planting density along the northwestern project perimeter, and to an alternative of enhanced planting density and screening fence in the 15-foot greenbelt buffer along the eastern project perimeter; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on April 13, 2023, to consider the rezone, General Development 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 (General Agriculture) to the PD-R (Planned Development-Residential) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on April 27, 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.

D. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 401.3.E.8, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent provided increased screening and landscape density.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a maximum of 500 of single-family residential dwelling units and amenity center upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.
2. 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.
3. The Homeowner's Documents shall include a notice to inform homeowners of:
 - a. The presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses.

- b. Inter neighborhood tie for this project shall connect to future roadways when development occurs on the property to the west. These inter neighborhood ties may be gated in accordance with the requirements of applicable county ordinances and regulations
 - c. The development may be a gated community, and if gated, the internal streets within this subdivision will be privately owned and maintained by either a Homeowner's Association or other appropriate legal entity. Any gates shall be accessible to emergency providers in accordance with the requirements of applicable county ordinances and regulations
 - d. There are designated planned thoroughfares adjacent to the project site [i.e. Rye Road (designated as a four-lane arterial roadway), and Upper Manatee River Road (designated as a two-lane collector roadway) and potential noise associated with these planned roadways.
4. 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.
 5. At the time of Final Site Plan (FSP) review, the project shall demonstrate there are no active agricultural uses adjacent to the project's northwestern boundary. If active agricultural uses are adjacent to proposed residential lots along the site's northwestern project boundary, an alternative 20-foot screening buffer shall be provided (to include the 15-foot greenbelt buffer with enhanced planting density and 5 additional feet). If no active agricultural uses are adjacent to the northwest project boundary, a 15-foot perimeter greenbelt buffer with enhanced planting density (two and one half (2 1/2) canopy trees and thirty-three (33) shrubs per 100 feet) shall be required.

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. No lots shall be platted through post-development wetlands, wetland buffers or upland preservation areas. 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 706.7.C and buffer restoration requirements per LDC Section 706.7.D.
4. Pursuant to the November 2022 Environmental Narrative prepared by Ardurra, if evidence of gopher tortoises, sandhill cranes, southeastern American kestrels, or

eastern indigo snakes are found, the developer shall follow FWC's Species Conservation Measures and Permitting Guidelines for these species or implement the U.S. Fish and Wildlife Service's Standard Protection Measures for the Eastern Indigo Snake, as applicable and necessary.

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.

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. 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. FLOOD PLAIN

1. Developer to establish the Base Flood Elevation for the lots that encroach on A Zone and delineate all flood zones on future site plan submittals.

E. INFRASTRUCTURE

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 Development Services review process for the project.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Section: 401.3.E.8 to approve alternative designs to the required yard adjacent to agricultural operations from 35 feet greater than otherwise required by Code, to an alternative 20-foot wide screening buffer inclusive of the 15-foot greenbelt buffer with enhanced planting density along the northwestern project perimeter, and to an alternative of enhanced planting density and screening fence in the 15-foot greenbelt buffer along the eastern project perimeter.

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 (General Agriculture) to the PD-R (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 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 27th 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

Exhibit "A"

Legal Description

A parcel of land lying in Section 23, Township 34 South, Range 19, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 23, run thence along the North boundary line of said Section 23, N 89°32'24" W, a distance of 1311.56 feet; thence S 00°51'06" W, a distance of 53.63 feet to the **POINT OF BEGINNING**; thence S 00°51'06" W, a distance of 2348.20 feet to the Northwesternly Maintained Right of Way of Rye Road NE; thence along the said Northwesternly Right of Way S 50°15'27" W, a distance of 2932.63 feet to the Southeast corner of DEL TIERRA, PHASE I, as recorded in Official Records Plat Book 57, Page 164 through 176; thence along the East boundary line of said DEL TIERRA, PHASE I Subdivision plat, N 39°29'25" W, a distance of 2112.51 feet; thence S 82°58'34" W, a distance of 148.69 feet; thence N.42°55'41"E., a distance of 1455.26 feet; thence N.42°55'41"E., a distance of 498.59 feet; thence N.10°07'21"E., a distance of 327.38 feet; thence N.19°58'36"E., a distance of 942.96 feet to the Southerly Maintained Right of Way line of UPPER MANATEE RIVER ROAD; thence along said Right of Way line, S 89°12'54" E, a distance of 2070.67 feet to the **POINT OF BEGINNING**.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 28, 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-22-29(Z)(G), which was filed in this office on April 27, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh