

Manatee County Zoning Ordinance

PDR-25-25(Z)(P) - GUARDIAN ANGELS US 19 - GUARDIAN ANGELS OF SW FLORIDA INC. **(OWNER) – PLN2511-0044**

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 2.73 acres generally located 0.21 miles south of 45th Street Court West, 0.5 miles north of 33rd Street West, on the west side of US 19, and commonly known as 4150 3rd Avenue West, Palmetto, FL (Manatee County) from Neighborhood Commercial-Medium (NC-M) to Planned Development Residential (PDR) Zoning District; approving a Preliminary Site Plan for eight single-family semi-detached dwelling units; subject to conditions of approval voluntarily proffered by the applicant; setting forth findings; providing a legal description; providing for severability; and providing an effective date.

WHEREAS, Guardian Angels Of SW Florida Inc (the “Applicant”) filed an application to rezone approximately 2.73 acres described in Exhibit “A”, attached hereto, (the “Property”) from Neighborhood Commercial Medium (NC-M) to Planned Development Residential (PDR) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for for eight single-family semi-detached dwelling units (the “project”) on the property; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on August 13, 2026 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

Neighborhood Commercial Medium (NC-M) to Planned Development Residential (PDR) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on September 3, 2026 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 eight single-family semi-detached dwelling units upon the property subject to the following Conditions:

A. DESIGN AND LAND USE

1. All other applicable local, state or federal permits shall be obtained prior to commencement of development.
2. 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 building permit.
3. 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). Compliance shall be verified with review of the building permit.
4. Final Site Plan review and approval is required for recreational area(s) and any proposed amenities. Any structures and/or uses shall comply with the Land Development Code 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.
5. Prior to FSP approval, a non-vehicular ingress/egress easement shall be recorded with the Manatee County Clerk of Courts, prohibiting cross access to 3rd Avenue West, as well as limiting ingress/egress from US 19 to the approved access point.
6. 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.
7. A Hurricane Evacuation Plan shall be provided at time of FSP submittal in accordance with the Division of Emergency Management.
8. The setbacks along 3rd Avenue West and US 19 shall be considered rear setbacks with a minimum distance of 15 feet.

B. ENVIRONMENTAL

1. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
2. The landward extent of wetlands shall be determined in accordance with Chapter 62-340 of the Florida Administrative Code. If the Southwest Florida Water Management District's (SWFWMD) Formal Determination of Wetlands and Other Surface Waters identifies a greater wetland acreage than indicated in the Preliminary Site Plan, the project's maximum density may be subject to a reduction at time of Final Site Plan submittal in accordance with the Comprehensive Plan and Land Development Code. The project's maximum density shall be contingent upon SWFWMD's Formal Determination of Wetlands and Other Surface Waters for the site.
3. No lots shall be platted through post-development wetlands, wetland buffers, or upland preservation areas.
4. Pursuant to the April 2026 Environmental Narrative prepared by Monarch Ecology Group, a 100% pre-construction survey will be required within 90-days of any future clearing or construction in accordance with FWC's *Gopher Tortoise Permitting Guidelines*. If gopher tortoises (or burrows) are found, a relocation permit will be required (from FWC) to relocate tortoises to an FWC-approved recipient site before any clearing or construction occurs.
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); and
 - 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. 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 Development Services review process for the project.
2. If this project is in the Coastal High Hazard Area, the potable water and reclaimed water shall be master metered. All potable water and reclaimed water facilities downstream of the master meter and all sanitary sewer facilities within the development shall be privately owned and maintained. Furthermore, the applicant shall adhere to any special construction requirements for utilities within the Coastal High Hazard Area that are in place at the time of Final Site Plan submittal. Such special construction requirements may include but are not limited to installation of leak proof manhole covers, and/or controlling the elevation that any at or above grade potable water, reclaimed water, or sanitary sewer facility or appurtenance is installed.

D. STORMWATER ENGINEERING

1. Pursuant to Section 801 Land Development Code, Manatee County Floodplain Ordinance (Chapter 2-10 - Drainage and Flood Control, 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:

NOAA Atlas 14 rainfall data shall be used for stormwater modeling

Storm Frequency	Cumulative Rainfall	Rainfall Distribution
2.33-year/24-hour	4.5 inches	FLMOD
10-year/24-hour	NOAA Atlas 14	FLMOD
25-year/24-hour	NOAA Atlas 14	FLMOD
50-year/24 hour	NOAA Atlas 14	FLMOD
100-year/24-hour	NOAA Atlas 14	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.

2. Any fill within the FEMA 1% annual chance flood hazard area (or as otherwise known as 100-year floodplain) as delineated by the Tampa Bay Direct Watershed Management Plan (WMP) shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. FEMA 1% annual chance flood hazard area 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 (using best available county watershed studies as tailwater conditions) to demonstrate no adverse drainage impacts to a no-rise condition.
3. A Public Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan for the existing ditch along the southern property line within the project boundaries as needed. In addition, a Drainage-Maintenance Access Easement shall be provided along the top-of-bank of the system. Manatee County is only responsible for maintaining the free flow of drainage through these systems.

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 Neighborhood Commercial Medium (NC-M) to Planned Development Residential (PDR) 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 3rd day of September 2026.



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

BY: _____

Chairperson

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

BY: _____

Deputy Clerk

Exhibit "A"

Legal Description

DESCRIPTION PER ORI 202441086545

Parcel Number 1:

Begin at the SW corner of the E 1/2 of SE 1/4 of NE 1/4 of Section 2, Township 34 South, Range 17 East; thence North 132 yards, thence East 220 yards, thence South 132 yards, thence West 220 yards to Point of Beginning, less a strip of land off the East side of the above-described land, said strip being 69.76 feet wide at the South end and 70.66 feet wide at the North end to State for highway right of way, and LESS that part included in O.R. Book 1111, Page 2150, Public Records of Manatee County, Florida.

Parcel Number 2:

Begin at the S.E. corner of Lot 946, PALMETTO POINT SUBDIVISION, as per Plat thereof, as recorded in Plat Book 8, at Pages 145, 146 and 147, of the Public Records of Manatee County, Florida, thence S 88° 40' 24" East, 182.29 feet; thence South 1.81 feet to the Northeast corner of land described as Parcel "II" in that certain Deed recorded in Official Records Book 611, at Page 869 of the Public Records of Manatee County, Florida; thence in a Westerly direction along the Northern boundary of said Parcel II to the Northwest corner thereof; thence North 15.67 feet to the Southerly line of Lot 970, PALMETTO POINT SUBDIVISION, if extended, thence S 88°40' 24" East to the Point of Beginning.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 3, 2026

Angelina Colonnese
Clerk of the Circuit Court
Manatee County
1115 Manatee Ave W
Bradenton, FL 34205

Dear 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-25-25(Z)(P), which was filed in this office on September 3, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp